



COUNCIL MEETING NOTICE/AGENDA

Posted on www.scdd.ca.gov

DATE: Wednesday, September 18, 2013

TIME: 9 a.m. – 5 p.m.

LOCATION: Wyndham San Diego Bayside
1355 N Harbor Drive
San Diego, CA 92101
www.wyndhamsandiegobay.com

Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Robin Maitino at (916) 322-8481 or email robin.maitino@scdd.ca.gov. Requests must be received by 5:00 pm, September 12, 2013.

- | | | <u>Page</u> |
|----|--|-------------------|
| 1. | CALL TO ORDER | J. Aguilar |
| 2. | ESTABLISHMENT OF QUORUM | J. Aguilar |
| 3. | WELCOME/INTRODUCTIONS | J. Aguilar |
| 4. | PUBLIC COMMENTS | |
| | <i>This item is for members of the public only to provide comments and/or present information to the Council on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Council will provide a public comment period, not to exceed a total of three minutes, for public comment prior to action on each agenda item.</i> | |
| 5. | APPROVAL OF JULY MEETING MINUTES | J. Aguilar 4 |

For additional information regarding this agenda, please contact Robin Maitino,
1507 21st Street, Suite 210, Sacramento, CA 95811, (916) 322-8481

6. **JAY NOLAN COMMUNITY SERVICES GRANT REPORT**
7. **CLOSED SESSION – PERSONNEL**
Pursuant to Government Code 11126 (a)(1) the Council will have a closed session to consider the appointment and/or employment of a public employee.
8. **RECONVENE OPEN SESSION**
Pursuant to Government Code Section 11126.3 (f) there will be an announcement of any action(s) taken during closed session.
9. **FUTURE OF THE DEVELOPMENTAL CENTERS TASK FORCE REPORT** K. Weller
10. **COMMITTEE REPORTS**
 - A. **Executive Committee** J. Allen
 - i. Summary of August 13, 2013 Meeting 11
 - ii. Facilitation Services 14
 - iii. Overview of Council's Self-Advocacy Activities 31
 - B. **Administrative Committee** M. Kennedy
 - i. Summary of August 29, 2013 Meeting 57
 - C. **Legislative and Public Policy** R. Ceragioli
 - i. Update on Council Supported Legislation
 - D. **Program Development Committee** J. Lewis
 - i. Area Board Grant Recommendations
 - ii. Recommended Limit on Administrative Overhead
 - E. **Self-Advocates Advisory Committee/
Statewide Self-Advocacy Network** J. Allen
 - F. **Employment First Committee** K. Weller

11.	SPONSORSHIP REQUEST: SUPPORTED LIFE INSTITUTE	R. Newton	64
12.	STAFF REPORTS		
	A. Interim Executive Director	R. Newton	
	B. Deputy Directors	M. Polit	
	C. Area Board Executive Directors	All	71
13.	COUNCIL MEMBER REPORTS AND COMMENTS	All	
14.	NEXT MEETING DATE & ADJOURNMENT	J. Aguilar	



DRAFT

Council Meeting Minutes July 17, 2013

Members Present

April Lopez
Bill Moore
Carmela Garnica
Dan Boomer
David Forderer
Eric Gelber
Janelle Lewis
Jennifer Allen
Jonathan Clarkson
Jorge Aguilar
Kecia Weller
Kerstin Williams
Kris Kent
Molly Kennedy
Olivia Raynor
Patty O'Brien-Peterson
Ray Ceragioli
Rebecca Donabed
Robert Jacobs
Robin Hansen

Members Absent

Catherine Blakemore
Fedal Almaliti
Max Duley
Nicole Smith

Others Attending

Angela Lewis
Anastasia Bacigalupo
Carlyn Meshack
Chris Arroyo
Clarissa Kripke
David Grady
Dawn Morley
Denis Craig
Felsha Fuschlay
Holly Bins
Joe Bowling

Others Attending (continued)

Gabriel Rogin
John Rodriguez
Kyle Minnis
Lawana Welch
Mark Polit
Mary Agnes Nolan
Mary Ellen Stives
Roberta Newton
Robin Maitino
Ron Usac
Ruby Villanueva
Sandy Soliday
Sarah May
Susan Eastman
Susan Schultz
Vicki Smith

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Jorge Aguilar, Chairperson called the meeting to order at 10:10 a.m. and a quorum was established.

2. WELCOME AND INTRODUCTIONS

Members and others attending introduced themselves.

3. PUBLIC COMMENT

Felsha Fuschlay from Congreso Familiar was present and spoke about the upcoming conference on August 10, 2013. Ms. Fuschaly provided brochures for those interested in attending.

4. APROVAL OF MAY 2013 MEETING MINUTES

It was moved/seconded (Kennedy/Lewis) and carried to approve the May 15, 2013, Council meeting minutes as amended. (2 abstentions)

Amendments to include:

- Adding Carmela Garnica as absent.
- Correcting Mary Ellen Stives comments regarding a parents fair hearing from “being denied” to “the judge requiring that the Regional Center submit the health and safety waiver to the Department because they had not done so”.

5. APPOINTMENT OF AREA BOARD 5 AND 7 EXECUTIVE DIRECTORS

Motion 1

The Council moved/seconded (Forderer/Williams) to approve the appointment of Gabriel Rogin as Executive Director of Area Board 5. (1 abstention)

Motion 2

The Council moved/seconded (Forderer/Gutierrez) to approve the appointment of David Grady as Executive Director of Area Board 7. (1 abstention)

6. THE STATE BUDGET PROCESS DOF PRESENTATION

Lawana Welch gave a presentation on the state budget process. Members and staff followed along with a hard copy of a PowerPoint presentation. Lawana then took questions from members and staff.

7. HEALTH CARE FOR ADULTS WITH DEVELOPMENTAL DISABILITIES PRESENTATION

Dr. Kripke provided a presentation on the CART (Clinical Services, Advocacy, Research, and Training/Technical Assistance) Model Program. Should this program be launched, it would address many of the health care needs that aging individuals with developmental disabilities face. In her presentation Dr. Kripke expressed the great need for funding in order to roll this program out.

8. CIVILITY RESOLUTION

In response to concerns brought to the Chairperson and staff's attention, a civility resolution was drafted and submitted to the full Council for consideration. The objective of this resolution was to provide guidelines for conduct at public meetings.

Council members found the resolution disturbing and an attempt at controlling behavior. There was no action taken on this item.

9. CLOSED SESSION – PERSONNEL

The Council went into closed session.

10. RECONVENE OPEN SESSION

There was no action taken in closed session.

11. COMMITTEE REPORTS

a. Executive Committee

Jennifer Allen provided a report of actions taken at the June 11 and July 16, 2013 Executive Committee meetings. These actions are also included in the packet. Allen concluded by stating that the next joint Executive Committee/Ad-Hoc Search Subcommittee is due to take place in August where the Committee would conduct interviews for the next SCDD Executive Director.

b. Administrative Committee

Molly Kennedy reported the actions taken and progress made at the June 20, 2013 meeting. She also brought forth the proposed 2013-14 budget for approval.

It was moved/seconded (Hansen/Forderer) and carried to approve both the 2013-14 Proposed Full Federal Funding Budget and the 2013-14 Assuming Sequestration Cut of 9% Proposed Federal Funding Budget.

c. Legislative and Public Policy Committee

It was moved/seconded (Kennedy/Weller) and carried to support AB 620 (Buchanan).

The Council will continue to “watch” SB 579 (Berryhill), Quality Assurance Pilot Project.

It was moved/seconded (Kennedy/Weller) and carried to support AB 420 (Dickinson).

It was moved/seconded (Kennedy/Weller) and carried to support the Resolution on Autism-Only Legislation. *“As a matter of policy, legislation should not create services within the Lanterman Act for any one developmental disability at the exclusion of other developmental disabilities.”* (4 abstentions)

d. Program Development Committee

It was moved/seconded (Aguilar/Boomer) and carried to award the Cycle 36 Self-Advocacy Support Grant to CAPC for \$155,844.
(1 abstention)

Roberta Newton reported that even with a second release of the Self-Advocacy Facilitation Grant, SCDD received no viable applicants. The Executive Committee will discuss potentially bringing parts of this Grant in-house at their next meeting.

e. Self-Advocates Advisory Committee/Statewide Self-Advocacy Network

Jennifer Allen provided the report of the July 16th SAAC meeting. The meeting included a presentation from Bryon MacDonald from the World Institute on Disability, WID. MacDonald provided a presentation on Work and Benefits. The Committee also went over Council agenda items and the current status of the 2 Self-Advocacy RFPs.

Allen also reported the outcomes from the last SSAN meeting on June 5 - 6, 2013. Members reported on work completed throughout the state, developed a mission statement, and received training.

f. Employment First Committee

It was moved/seconded (Forderer/Donabed) and carried to approve the 2013 Employment First Report.

Kecia Weller also provided an update on AB 1041, the Employment First Policy stating that the Senate passed the bill and she gave testimony on behalf of EFC and the Council. Dr. Raynor also testified on behalf of CECY. The bill will now go to the Senate Appropriations Committee on August 12.

12. **ASSOCIATION OF CALIFORNIA STATE EMPLOYEES WITH DISABILITIES SPONSORSHIP REQUEST**

It was moved/seconded (Gutierrez/Weller) and carried to approve the Association of California State Employees with Disabilities sponsorship request in the amount of \$800 at the Gold Supporter level.

13. **STAFF REPORTS**

Roberta Newton and Mark Polit provided reports of their activities since the last Council meeting. Area Board Executive Directors that were present also provided reports on their activities.

14. COUNCIL MEMBER UPDATES

Jorge Aguilar reported that he has had conference calls with staff and AIDD regarding some complaints that were brought to them regarding Area Board 3 and the grant process. After review by him, HQ staff, and AIDD, it was found that there is no merit to the complaint. Jorge also discussed topics to be covered at the next Council meeting in September at the Wyndham Bayside in San Diego.

Janelle Lewis attended the Families for Early Autism Treatment family resource meeting which is a northern California education and advocacy organization. This month's meeting focused on educating parents about the changes in the diagnostic criteria for autism that have been implemented.

Brian Gutierrez was nominated for the community MVP with a soccer league. His goal is to create disability awareness on the various programs the state has to offer. Brian has also been invited to participate on a panel by the Tom Motor Group. The panel's topic will be equality among persons with developmental disabilities.

April Lopez was reappointed in June by the Governor to serve on the Council for another four (4) years. April, along with Connie Lapin, has been working on setting up meetings with the legislature on SB 468, the self-determination bill.

Jennifer Allen will be giving two presentations in mid-August.

Patty O'Brien attended a Regional Center public meeting and was surprised at the lack of public attendance. Area Board 1 has five (5) new members of which, three are self-advocates.

David Forderer attended the 2013 People First of California Statewide Gathering in San Jose on June 28-30, 2013 on behalf of the Council. David found the conference informative and entertaining.

Dan Boomer passed out a report from the Legislative Analyst Office on special education.

Eric Gelber stated that DDS' Trailer Bill AB 89 was passed. A contract has been executed for an independent consultative review expert to work with Sonoma Developmental Center on a program improvement plan. On July 9th the Bureau of State Audits issued an audit on resident safety at Developmental Centers. The report makes a number of recommendations for further enhancement in the DC system.

Rebecca Donabed volunteered at a booth for an event on June 19th for the County Mental Health Department.

Kecia Weller reported that on June 5, 2013, the California Health And Human Services Agency appointed her to the Future of the Developmental Centers in the State taskforce. Kecia will be representing the Council on this taskforce.

Carmela Garnica reported that Area Board 12 is organizing an outreach event in the Mammoth area for dental services needed in the area.

Kris Kent reported that Secretary Dooley has convened a Future of the Developmental Centers Taskforce. The taskforce consists of 20-30 members and stakeholders. The taskforce hopes to have a master plan by November. For further information go to www.chhs.ca.gov and type in Future D.C. Task Force.

15. **ADJOURNMENT**

Meeting was adjourned at 4:45 p.m.

DRAFT
Executive Committee Meeting Minutes
August 13, 2013

Attending Members

Janelle Lewis
Jennifer Allen
Jorge Aguilar
Kecia Weller
Molly Kennedy
Ray Ceragioli

Members Absent

Olivia Raynor

Others Attending

Melissa Corral
Roberta Newton
Robin Maitino
Ted Martens

1. Call to Order

Jennifer Allen called the meeting to order at 10:05 a.m. and established a quorum present.

2. Welcome and Introductions

Members and others introduced themselves.

3. Approval of June 2013 Minutes

It was moved/seconded (Kennedy/Weller) and carried to approve the June 11, 2013, Executive Committee meeting minutes as presented.

4. Public Comments

There were no public comments.

5. Conflict of Interest Waivers

The Committee revisited waiver requests for Ramona Puget, Richard Stotler, and Jack Padilla. The following actions were taken:

Reconsideration of Richard Stotler:

It was moved/seconded (Aguilar/Weller) and carried to uphold the denial and if there are additional facts, the Chairperson or Executive Director of the regional center board may appear in person to provide additional information.

Reconsideration of Ramona Puget:

It was moved/seconded (Aguilar/Lewis) and carried to reaffirm the denial of this waiver request.

Reconsideration of Jack Padilla:

No action was taken.

6. Facilitation Services

Roberta Newton provided an update on the facilitation services RFP and the possibility of bringing some of the tasks in house. She provided materials that defined an independent contractor/common law employee. This resulted in discussion around the need to hire an intermediary agency to act as the facilitator/personal attendant's employer. This would allow each consumer to be the actual employer and select their own facilitator/personal attendant. The Committee referred a decision on facilitation to the Council at its September meeting. Molly asked that Roberta bring more comprehensive information about the costs and outcomes associated with the Council's self-advocacy activities to the September Council meeting.

7. Senate Bill 468 Proposed Amendments

It was moved/seconded (Kennedy/Aguilar) and carried to support Senate Bill 468, Self-Determination, as amended to require the Council to convene a Statewide Self-Determination Advisory Committee to oversee and make recommendations for improvements to the Self-Determination program.

8. Establish September Council Agenda

The September meeting will be held in San Diego and will be expanded to 2 days. Agenda items will include:

Day 1

Robert Rules of Order
Bagley Keene Overview
Team Building

Day 2

Jay Nolan Presentation
Update on the Developmental Center Task Force
Executive Director Interviews

9. Recess

The Committee went into recess at 12:10 to join the Ad-Hoc Search Committee in a joint closed session.

10. **Reconvene**

The Committee reconvened at 5:15 and went into closed session of the Executive Committee.

11. **Closed Session – Executive Director Recruitment**

The Committee went into closed session to discuss the appointment of a public employee.

12. **Reconvene Open Session**

The Committee reported that three applicants have been selected to be interviewed by the full Council at the September meeting.

13. **ADJOURNMENT**

Chair Jennifer Allen adjourned the meeting at 5:20 pm.

COUNCIL ITEM DETAIL SHEET

ISSUE: FACILITATION SERVICES

BACKGROUND:

In May 2013, the Council released two Requests for Proposals (RFP) focused on self-advocacy activities. One was intended to provide support for the advancement of SSAN, SAAC, and to assist the self-advocate members of Employment First (EF). The Council acted in July to award that contract to CAPC. The second RFP was for facilitation services for the members of SSAN, SAAC, EF and the Council itself. There were no applicants for the Facilitation contract. Staff contacted several likely vendors to determine why there were no bidders. The feedback received suggested that the maximum award being offered was too low. Accordingly, the Executive Committee in June approved re-posting the RFP with an increased maximum, from \$20,000 to \$30,000. The deadline for this second RFP posting was July 8, 2013.

ANALYSIS/DISCUSSION:

The Council received only one bid in response to this second posting and it was not responsive to the requirements of the RFP. Staff did research on alternative ways in which to secure facilitation supports services and concluded that using a payroll management service would enable self-advocates to hire their own support staff. The payroll management service would handle background checks, the mechanics of paying wages and withdrawing and paying taxes and procuring Worker's Compensation insurance. The cost for such a service exceeds what we had budgeted, largely because Worker's Compensation insurance is costly. Payroll management services, also known as an Employer of Record (EOR) or Fiscal Intermediary (FI), are used by regional center clients who receive services via self-determination. The FI model shields both the client and the agency from liability by serving as the Employer of Record.

Based on our research, we believe that we would have to budget for a maximum of \$45,000 to contract with a FI/EOR to handle the payroll of our 22 self-advocates who use support services when conducting Council business.

Staff has been in touch with other Councils as well as other nonprofit organizations and it is clear that nearly all have struggled to balance the need to provide support services with the legality of how those services are delivered. Having reviewed the available guidance from EDD and our staff attorney, staff believes that entering into a contract with a payroll management company would be in the best interest of the Council.

COUNCIL STRATEGIC PLAN OBJECTIVE: Objective 1a): The Council will promote the stability and expansion of a statewide self-advocacy network through financial and in-kind support, which includes ensuring that local delegates are able to participate effectively in statewide meetings and events.

PREVIOUS ACTION: See Above

RECOMMENDATIONS: It is clear that the Council has a responsibility to provide the supports that Council members require in order to participate effectively in Council business. Staff recommends that the Council enter into a contract for payroll management services so as to protect the Council and Council members from possible liability while providing needed support services. At the same time, it is recommended that the Council examine the current practices in place for supporting non-Council member participants for possible cost-sharing adjustments. For example, several SSAN members represent other agencies (ARCA, DDS, DRC, UCEDDs, CFILC). In some instances, the Council has been underwriting the cost of travel/facilitation for these individuals.

ATTACHMENTS: EDD Guidance Memo for State Agencies, California Lawyer MCLE Article

PREPARED: Roberta Newton, September 4, 2013

INDEPENDENT CONTRACTOR OR COMMON LAW EMPLOYEE FOR USE BY STATE AGENCIES

The purpose of this article is to advise State agency secretaries and directors and other State hiring authorities of the common law and statutory distinctions between an independent contractor and an employee. This article is intended for use by California State agencies. Effective immediately, this article supersedes Management Memo 95-18.

This article also advises State agency secretaries and directors that employers (including State agencies) are subject to various State and federal statutes governing the collection of payroll taxes for all employees (including contractors determined to be "employees" under common law or statutory employee definitions). These payroll taxes may include social security and medicare taxes, federal income tax withholding, unemployment insurance, State employment training tax, State nonindustrial disability, and State personal income tax withholding. The amount of taxes required by federal and State law to be withheld from State employee earnings and the related employer tax contribution (where applicable) are reported by the State Controller to federal and State tax authorities on the appropriate forms and to the employee on the *Wage and Tax Statement (Form W-2)*.

However, employers, including State agencies, are not required to withhold taxes from independent contractor earnings. Instead, the State is required to file an information return, IRS Form 1099-MISC, for certain payments made to independent contractors. In addition, effective January 1, 2001, California employers must report independent contractors, using the *Report of Independent Contractor(s) (DE 542)*, to the Employment Development Department. For additional information regarding the reporting of independent contractors to California, contact:

Employment Development Department (EDD)
Independent Contractor Hotline
Telephone: (916) 657-0529

The Internal Revenue Code imposes substantial penalties on employers (refer to page 4) for improper classification of employees as independent contractors. Penalties incurred by a State agency will be paid out of the State agency's support appropriation.

CLASSIFICATION OF INDEPENDENT CONTRACTOR/EMPLOYEE FOR FEDERAL TAX PURPOSES

The IRS *Employer's Supplemental Tax Guide* (Publication 15-A) provides the following guidelines, effective January 1, 2000:

- Behavioral Control. Factors related to a business's right to direct and control how the worker performs the task.
- Financial Control. Factors related to a business's right to control the business aspects of the worker's job.
- Relationship of the Parties. Factors showing the type of relationship between the worker and the business.

The application of these factors determines common law employee or independent contractor status for federal tax purposes. Consult Publication 15-A for details and examples to help properly classify the workers. For additional information, access the IRS Web site at www.irs.gov and follow the links to all IRS forms and publications.

The IRS Form SS-8 (*Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding*) should be used when, at the discretion of the State agency and after consultation with EDD's Audit Section, it is necessary to seek IRS assistance in determining independent contractor/employee status (refer to Independent Contractor/Employee Determination Assistance on page 3).

CLASSIFICATION OF INDEPENDENT CONTRACTOR/EMPLOYEE FOR STATE TAX PURPOSES

The EDD administers California's employment tax laws. The California Code of Regulations, Section 4304-1, defines an employee and lists the rules generally applicable to common law determinations of employment. The EDD has prepared a list of 24 common law elements to help State agencies distinguish between an independent contractor and an employee (refer to Attachment I).

The information in the "Employee" column of Attachment I represents situations in which the 24 elements indicate that the contractor is subject to the employer's direction and control. Therefore, when a State agency retains the right to direct and control the work performed under a contract, a common-law employer/employee relationship is created even if the State agency (employer) allows the contractor (employee) freedom of action.

To determine if an independent contractor/employee relationship exists for State of California tax purposes, it is not necessary that all 24 elements in Attachment I be considered or weighted equally. Because this determination process can be relatively subjective, program managers may find it useful to compare their working relationship with the contractor to their relationship with civil service employees. In that comparison,

if the following statements are true, it is presumed that the individual to be engaged is an employee and, once such a conclusion is made, it is not necessary to continue to apply the 24 elements:



- * • The worker can quit or be terminated at any time without being legally obligated for failure to complete the job.
- * • The manager (or designated person) assigns, reviews, and supervises the individual's work.
- * • The worker performs services that are a part of the regular operation of the State agency.

State program managers who contract with individuals for personal and other services must review Attachment I to determine if the State agency has effectively retained the right to direct and control the contractor or if, in the performance of contract services, the contractor is independent..

In addition, existing State law confers statutory employee status on an individual under specific circumstances in spite of the fact that the individual is determined to be an independent contractor using common law. The following are the categories of statutory employees:

- Artists, authors, and creators of copyrighted work
- Unlicensed construction workers
- Homeworkers

State agencies that intend to contract with individuals in the groups listed above should consult the *California Employer's Guide* (DE 44) or call EDD's Audit Section at (916) 464-2500 for advice regarding their employment status.

INDEPENDENT CONTRACTOR/EMPLOYEE DETERMINATION ASSISTANCE

The State agency program manager who is required to certify the independent contractor/employee status based upon the criteria provided in this document may find it difficult to reach a definite determination and may need assistance. In such instances, the program manager should call:

Employment Development Department
Audit Section
Telephone: (916) 464-2500

In addition, at EDD's Web site (www.edd.ca.gov), you can access forms and publications such as the DE 44, *Determination of Employment Work Status for Purposes of State of California Employment Taxes and Personal Income Tax Withholding* (DE 1870), *Employment Determination Guide* (DE 38), DE 542, and various Information Sheets.

The DE 38 is a self-assessment worksheet to be used to determine whether a worker is most likely an employee or an independent contractor. The EDD will also provide verbal guidance or, if deemed necessary, a written opinion based on data provided by the

requesting State agency on the DE 1870. In most cases, an employment status determination results in the same finding under both the State and federal guidelines. In rare instances where the employment status is different under the State and federal guidelines, please consult with EDD's Audit Section for assistance.

STATE POLICY: CONTRACT WITH INDEPENDENT CONTRACTORS ONLY

After reviewing the contents of Attachment I and the statutory employee categories listed on page 3 of this article, the State agency program manager directly responsible for the work to be performed should determine whether the contract being reviewed creates or is likely to be executed in a manner that could create an employer/employee relationship outside the civil service system. State law and policy require that, except where exempted by the California Constitution, all State contracts should be executed in a manner consistent with the establishment of independent contractor status.

State agency contracts with common law employees **may be in violation** of Government Code Section 19130(c), which requires that:

All persons who provide services to the state under conditions the [State Personnel] board determines constitute an employment relationship shall, unless exempted from civil service by Section 4 of Article VII of the California Constitution, be retained under an appropriate civil service appointment.

Therefore, State program managers whose contracts appear to be less than fully consistent with this State policy should consult with EDD regarding employee and independent contractor determinations and with their agency's personnel manager regarding proper civil service or other classifications.

FEDERAL PENALTIES FOR INDEPENDENT CONTRACTOR/EMPLOYEE MISCLASSIFICATION

If the IRS determines that a contractor is, in fact, an employee, the penalty assessments against the offending State agency include:

- A liability for failure to withhold income taxes, equal to 1.5 percent of the wages plus 20 percent of the social security and medicare taxes that should have been paid by the employee.
- A liability for the unpaid portion of the employer social security and medicare taxes.
- A penalty for the State agency's failure to withhold 31 percent of a noncorporate independent contractor's pay if the contractor:
 - Was paid more than \$600 annually.
 - Did not provide a federal employer identification number to the State agency.
 - Failed to pay income taxes (the penalty is equal to 100 percent of what the contractor would have paid in taxes).

Depending on the number of independent contractor/employee misclassifications committed by a State agency and the length of time the misclassification remains uncorrected, the liabilities and the penalty assessments can be substantial.

State policy is that **federal penalties** incurred by a State agency **will be paid out of that agency's support appropriation**.

Therefore, to avoid the misclassification of a worker who signs a personal services contract, carefully apply the elements listed on Attachment I or contact EDD for assistance and/or to obtain additional information.

The Financial Integrity and State Manager's Accountability Act of 1983 (Government Code 13400 et seq.) makes the head of each State agency responsible for establishing and maintaining systems of internal control within their agency. Management's responsibility includes communicating the system requirements to employees and providing assurance that the system is functioning as prescribed. The objectives of a system of internal control are to safeguard assets, check the accuracy and reliability of accounting data, promote operational efficiency, and assure compliance with laws, regulations, and policies.

Although the responsibility for the internal control system cannot be delegated to an outside agency, assistance to determine that such systems exist may be provided by audits performed either by departmental internal audit functions or by the various control agencies. For example, EDD may conduct studies of policies and procedures related to employment requirements and tax administration. Also, the State Auditor, the State Controller, and the Director of the Department of Finance may perform reviews of State agencies' internal control systems to ensure that such controls are adequate to meet the objectives noted above.

If you have any questions regarding this article, please call EDD's Audit Section at (916) 464-2500.

JAMES R. LEGLER, Chief
Field Audit and Compliance Division, Central Operations
EDD Tax Branch

**INDEPENDENT CONTRACTOR/EMPLOYEE
STATUS DETERMINATION ELEMENTS – COMMON LAW**

ELEMENTS	EMPLOYEE	INDEPENDENT CONTRACTOR
1. Instructions	A worker who is required to comply with instructions about when, where, and how to work is ordinarily an employee. The instructions may be in the form of manuals or written procedures that show how the desired result is to be accomplished. Some workers may perform services without receiving instructions because they are highly proficient and conscientious workers. Even if no instructions are given, the control factor is present if the employer has the right to give instructions.	An independent contractor decides how to do the job, establishes his or her own procedures, and is not supervised. The entity engaging his or her services is only interested in the end result.
2. Training	Training of a worker by an experienced employee working with him or her, by correspondence, by required attendance at meetings, and by other methods is a factor of control indicating that the employer wants the services performed in a particular manner. This is especially true if the training is given periodically or at frequent intervals.	An independent contractor ordinarily uses his or her own methods and receives no training from the principal. He or she is not required to attend meetings.
3. Integration	If the worker's services are so integrated into an employer's operations that the success or continuation of the business depends on the performance of the services, it generally indicates employment.	If the individual's performance of service and those of the assistants establish or affect his or her own business reputation and not the business reputation of those who purchase their services, it is an indication of an independent contractor relationship.
4. Services Rendered Personally	If the services must be rendered personally, it indicates the employer is interested in the methods as well as the results.	An individual's right to substitute another's services without the principal's knowledge suggests the existence of an independent relationship.
5. Hiring Assistants	A worker performs services for an employer who hires, supervises, and pays assistants. If a worker hires and supervises assistants at the direction of the employer, he or she is acting as an employee in the capacity of a foreman for or representative of the employer.	An independent contractor hires, supervises, and pays assistants under a contract that requires him or her to provide materials and labor.
6. Continuing Relationship	The existence of a continuing relationship between a worker and the person for whom he or she performs services indicates an employer-employee relationship. If the arrangement consists of continuing or recurring work, the relationship is considered permanent, even if the services are rendered on a part-time basis, are seasonal in nature, or if the person actually works for only a short time.	The relationship between an independent contractor and his or her client ends when the job is finished.

**INDEPENDENT CONTRACTOR/EMPLOYEE
STATUS DETERMINATION ELEMENTS -- COMMON LAW**

ELEMENTS	EMPLOYEE	INDEPENDENT CONTRACTOR
7. Set Hours of Work	The establishment of set hours of work by the employer is a factor of control. If the nature of the occupation makes fixed hours impractical, a requirement that the worker work at certain times is an element of control.	An independent contractor is the master of his or her own time.
8. Full-Time Work	Full-time work for the business is indicative of control by the employer since it restricts the worker from doing other gainful work. Full-time does not necessarily mean an eight-hour day or a five-day week. Its meaning may vary with the intent of the parties, the nature of the occupation, and the customs in the locality. These conditions should be considered in defining full-time. Full-time services may be required even though not specified orally or in writing.	An independent contractor is free to work when he or she chooses and to set his or her daily or weekly schedule. An independent contractor would normally perform services less than full time for one principal.
9. Work Done on Premises	Doing the work on the employer's premises, on a route, or at a location designated by an employer implies employer control, especially where the work is of such a nature that it could be done elsewhere. The use of desk space and of telephone and stenographic services provided by an employer places the worker within the employer's direction and supervision unless the worker has the option as to whether he or she wants to use these facilities. However, the fact that work is done off the premises does not indicate freedom from control since some occupations (for example, construction workers) are necessarily performed away from the premises of the employer.	Doing work away from the principal's premises when it could be done on the principal's premises indicates a lack of control, especially when the work is free from supervision.
10. Order or Sequence Set	If a worker must perform services in the order or sequence set by the employer, it shows that the worker is not free to follow an independent pattern of work but must follow the established routines and schedules of the employer. Often, because of the nature of the occupation, the employer either does not set the order of the services or sets them infrequently. Control is sufficiently shown, however, if the employer retains the right to do so.	If the principal is not interested in the order or sequence by which the individual completes the work, there is an indication that there is a lack of control over the manner and means by which the work is performed.
11. Reports	The submission of regular oral or written reports indicates control since the worker must account for his or her actions.	An independent contractor is not required to file reports that constitute a review of his or her work. (However, reports related only to an end result are not an indication of employment or independence.)

**INDEPENDENT CONTRACTOR/EMPLOYEE
STATUS DETERMINATION ELEMENTS – COMMON LAW**

ELEMENTS	EMPLOYEE	INDEPENDENT CONTRACTOR
12. Payments	<p>Payment by the hour, week, or month generally represents an employer-employee relationship</p> <p>The guarantee of a minimum salary or the granting of a drawing account at stated intervals with no requirement for repayment of the excess over earnings tends to indicate the existence of an employer-employee relationship.</p>	<p>Payment on a commission or job basis is customary where the worker is an independent contractor. Payment by the job includes a lump sum computed by the number of hours required to do the job at a fixed rate per hour.</p>
13. Expenses	<p>Payment of the worker's business and travel expenses by the employer indicates control over the worker.</p>	<p>A worker who is paid on a job basis and who has to take care of all incidental expenses is generally an independent contractor. Since the person is accountable to no other person for the expenses, the person is free to work according to his or her own methods and means.</p>
14. Tools and Materials	<p>The furnishing of tools, materials, etc., by the employer indicates control over the worker. In some occupations and industries, it is customary for workers to provide their own tools, which are usually small hand tools; in that case, workers may be considered to be employees.</p>	<p>When a worker furnishes tools and materials, especially when a substantial sum is involved, there is an indication of independence.</p>
15. Investment	<p>The furnishing of all necessary facilities by the employer tends to indicate an employment relationship.</p> <p>Facilities generally include equipment or premises necessary for the work, but not tools, instruments, clothing, etc., that are commonly provided by employees in their particular trade.</p>	<p>A significant investment by the worker in facilities used by him or her in performing services for another tends to show independent contractor status.</p> <p>In order to be significant, the investment must be real, essential, and adequate.</p>

**INDEPENDENT CONTRACTOR/EMPLOYEE
STATUS DETERMINATION ELEMENTS – COMMON LAW**

ELEMENTS	EMPLOYEE	INDEPENDENT CONTRACTOR
16. Profit or Loss	When workers are insulated from loss or are restricted in the amount of profit they can gain, they are usually employees. The opportunity for higher earnings, such as from pay on a piecework basis or the possibility of gain or loss from a commission arrangement, is not considered profit or loss.	<p>The possibility of a profit or loss for the worker as a result of his or her services generally shows independent contractor status. Profit or loss implies the use of capital by the worker in an independent business. Whether a profit is realized or loss suffered generally depends on management decisions; that is, the one responsible for a profit or loss can use his or her own ingenuity, initiative, and judgment in conducting the business or enterprise. Factors that affect whether or not there is a profit or loss are whether the worker:</p> <ul style="list-style-type: none"> • Hires, directs, and pays assistants. • Has his or her own office equipment, materials, or other facilities for doing the work. • Has continuing and recurring liabilities or obligations. • Succeeds or fails depending on the relation of his or her receipts to his or her expenditures. • Agrees to perform specific jobs for prices agreed upon in advance. • Pays expenses incurred in connection with the work. <p>Independent contractors typically can invest significant amounts of time or capital in their work without any guarantee of success.</p>

**INDEPENDENT CONTRACTOR/EMPLOYEE
STATUS DETERMINATION ELEMENTS – COMMON LAW**

ELEMENTS	EMPLOYEE	INDEPENDENT CONTRACTOR
17. Works for More Than One Person or Firm	It is possible that a person may work for a number of people or firms and still be an employee of one or all of them because he or she works under the control of each firm.	Work for a number of persons or firms at the same time usually indicates an independent contractor status because the worker is usually free, in such cases, from control by any of the firms.
18. Offers Services to the General Public	If a worker performs services for only one person, does not advertise his or her services to the general public, does not hold licenses or hire assistants, and performs services on a continuing basis, it is an indication of an employment relationship.	The availability of services to the general public usually indicates independent contractor status. This may be evidenced by the worker having his or her own office and assistants, hanging out a "shingle" in front of his or her own home or office, holding business licenses, maintaining business listings in telephone directories, or advertising in newspapers, trade journals, magazines, etc.
19. Right to Fire	If an employer has the right to discharge an individual at will and without liability, that worker is considered an employee. The employer exercises the control through the ever present threat of dismissal, which causes the worker to obey instructions. A restriction on the employer's right to discharge in a labor union contract does not detract from the existence of an employment relationship.	An independent contractor cannot be discharged as long as he or she produces a result that measures up to his or her contract specifications. However, the relationship can be terminated with liability.
20. Right to Quit	The right to quit at any time without incurring liability indicates an employer/employee relationship.	An independent contractor usually agrees to complete a specific job, and he or she is responsible for its satisfactory completion or is legally obligated to make good for failure to complete the job.
21. Custom in Industry and Location	If the work is traditionally done by civil service employees under the direction of a supervisor, it is an indication of employment.	If the work is done by outside specialists, it is an indication of independence.
22. Required Level of Skill	A low level of technical skill is strong evidence of employment, since as the skill level declines, there is less room to exercise the discretion necessary for independence.	A high level of technical skill is important when combined with other factors such as owning a separate and distinct business.

**INDEPENDENT CONTRACTOR/EMPLOYEE
STATUS DETERMINATION ELEMENTS – COMMON LAW**

ELEMENTS	EMPLOYEE	INDEPENDENT CONTRACTOR
23. Belief of the Parties	<p>It is an indication of employment if:</p> <ul style="list-style-type: none"> Both parties (the worker and the State) believe the relationship is employment. Either party believes that the relationship is employment. 	<p>If the parties agree that the relationship is one of independence, it may be. However, consideration should be given to the fact that many individuals do not know how employment determinations are made and believe they are independent contractors because they are told they are.</p>
24. Business Decisions	<p>Employees cannot make business decisions that would enable them to earn a profit or incur a financial loss.</p>	<p>Independent contractors make business decisions that enable them to earn a profit or incur a loss. Investment of the worker's time is not sufficient to show a risk of loss.</p>

EMPLOYMENT LAW

How Employers Lose Lawsuits

BY STEVEN M. SCHNEIDER

California has its own unique, and growing, employment law requirements. And the cost to employers who fail to comply with them can be staggering, as Farmers Insurance learned recently upon being hit with a verdict in excess of \$93 million—all but approximately \$1 million of which was affirmed on appeal—for not paying overtime to its claims adjusters.

Here are some common employer attitudes that can result in wage-and-hour and other employment law actions.

IT'S JUST A ONE-PERSON CLAIM

The *Cortez* case is a good example of the harm that can

arise from a single employee's charge. In *Cortez v. Purolator Air Filtration Prods. Co.* (23 Cal. 4th 163 (2000)), Rosalba Cortez had worked for her employer for several years before being terminated. Cortez had been working a ten-hour workday, four days a week. When the employer was unable to provide documentation for such an alternative schedule as required under state law, Cortez sued under California's Unfair Business Practices Act (Cal. Bus. & Prof. Code § 17200), claiming unpaid overtime for herself and approximately 175 other employees.

Section 17200 allows a plaintiff to assert a representative action on behalf of the general public for alleged unfair competition—including "any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising." An

employer who does not comply with California's wage-and-hour law requirements is deemed to gain a business advantage over competitors who do follow the law, which qualifies as a claim under section 17200.

The California Supreme Court ruled that not only was Cortez entitled to overtime pay but also the other employees were entitled to restitution authorized by section 17200. This decision demonstrates that what an employer might initially view as a nuisance claim brought by one person can be transformed into a class-type lawsuit.

In addition, employers should pay particular attention to the following areas, which are fertile fields for lawsuits.

Policies that may affect many. The mere fact that most employees do not complain about a workplace policy does not guarantee that one complaint will not lead to a multitude of claimants. An employment class action or section 17200 representative lawsuit can include not only current employees but also former employees within the four-year statute of limitations period (*Cortez*, 23 Cal. 4th at 178-79), as well as those who were discouraged from applying for certain jobs because of an employer policy. (*Frank v. United Airlines, Inc.*, 216 F.3d 845 (9th Cir. 2000).)

Decentralized hiring. People tend to gravitate to those who share their backgrounds and traits, or follow practices they have used previously, but over time these human tendencies can create racial or gender segregation. For example, in *Sandoval v. Saticoy Lemon Ass'n* (747 F. Supp. 1373 (C.D. Cal. 1990)), a lemon-packing plant simply hired workers who asked supervisors for work. The supervisors assigned jobs largely along gender lines, with women working almost exclusively as graders, packers, sorters, and carton formers; men usually performed as general laborers, forklift operators, night watchmen, and equipment operators. In addition to the female workers currently employed, the court certified subclasses of female applicants who had been rejected or deterred from applying because of their awareness of Saticoy's allegedly discriminatory policies.

Dangerous safety policies. Systematically assigning certain duties to one gender based on assumptions

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Steven M. Schneider (sms@msk.com) is a partner at Mitchell, Silberberg & Knupp in Los Angeles, where he specializes in labor/employment and wrongful competition law and litigation.

Sparta finally went to war in 432 B.C. Neither was actually in danger. Rather, they endangered themselves by going to war to prevent future dangers. During the first ten years, Pericles used all his powers to advocate a defensive strategy for Athens, but as the years wore on, his caution was replaced by the aggressive stance of those Kagan describes as "new men," people who had acquired their wealth and power through trade and industry, representing a challenge to the old landed aristocracy and a shift in the nature of Greek society.

What Thucydides called a "festering peace" was struck in 421 B.C. by the Athenian leader Nicias, a decent man whose blunders eight years later during the invasion of Sicily led to a catastrophic Athenian defeat. "It is senseless to go against people who, even if conquered, could not be controlled," he argued in an attempt to dissuade his countrymen from attacking Sicily. His

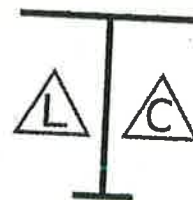
nemesis, Alcibiades, countered with a cogent defense of imperialism: "The city, like everything else, will wear out of its own accord if it remains at rest." When Nicias sensed he was losing the debate, he switched tactics and tried to strike fear into the Athenians by exaggerating Sicily's strength. That only gave the hawks the ammunition they needed to propose an all-out invasion, and the disaster was launched. It ended up being one of the great historic examples of military hubris.

Athens somehow fought on for nine more years. There were a series of coups in the city in 411 B.C., the year Aristophanes' great antiwar farce, *Lysistrata*, was first performed and also the year in which Thucydides' account ends. The war, in fact, lasted until 404 B.C., and Kagan does readers a service by taking them the whole way. Spartan despots ruled Athens for just one year after the war before they were thrown out. And then, once again, the Athenians

astonish us. Rather than commencing to blame one another for the mistakes and the betrayals of the past, they issued an amnesty, reestablished democracy, and went back to being highly cultured and powerful for nearly another 100 years.

Kagan's book contains many useful maps and an afterword about the few ancient sources available to us, which Kagan uses to supplement Thucydides. Thucydides, himself a participant in the war, had access to these and, presumably, other direct accounts, but he relied on none of them, trusting instead his memory and that of other witnesses. "My work," he famously wrote, "is not a piece of writing designed to meet the taste of an immediate public, but was done to last forever." Kagan's readable and solid account of the war ensures that readers will continue learning about the Peloponnesian War, if not forever, then at least for a very long time. —Ruth MacKay **CL**

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about strength, physical ability, or desire for the work may also be viewed as discriminatory. For example, in *Int'l Union, United Aerospace and Agricultural Implement Workers of America v. Johnson Controls, Inc.* (499 U.S. 187 (1991)), a battery manufacturer prohibited placing women who were pregnant or capable of bearing children in jobs that might expose them to lead. The employer promulgated this rule after eight employees became pregnant while maintaining blood levels of lead in excess of the level deemed critical by government authorities for workers planning to have families. The U.S. Supreme Court held that the rule was facially discriminatory since it applied only to women and not to men, whose lead exposure might also have affected their fertility.

The power of the EEOC. A single employee complaint to the Equal Employment Opportunity Commission (EEOC) alleging discrimination can trigger the agency's decision to file a representative action on behalf of a group of employees. (*EEOC v. Dinuba Med. Clinic*, 222 F3d 580 (9th Cir. 2000).) Although such EEOC actions carry a maximum per-employee damages limit that does not apply to California claims, as with section 17200 representative lawsuits, they do not impose the stringent procedural requirements that apply to class actions.

FEDERAL LAW SAYS WE CAN DO THIS

One major mistake California employers can make is to assume they only have to comply with federal employment law, not with state laws on the same subject matter. The truth is that when faced with conflicting federal and state employment legislation, employers usually must comply with the more employee-protective laws. (See *Tidewater Marine Western, Inc. v. Bradshaw*, 14 Cal. 4th 557 (1996).) California has a number of them.

Meal penalties. The federal Fair Labor Standards Act (FLSA) does not require employers to provide any meal periods. However, with a few exceptions, California law requires employers to provide a meal period of at least 30 minutes to employees who work at least five

hours a day, and a second meal period to employees who work at least ten hours a day. (Cal. Lab. Code § 512.) Employers risk penalties of one hour of additional pay for each missed meal period, in addition to paying for on-duty meal periods. (Cal. Lab. Code § 226.7.)

Professional exemption for nurses. Under the FLSA, registered nurses are usually exempt from overtime under the executive, administrative, or professional exemption—although whether the professional exemption will continue under federal overtime regulations effective August 23, 2004, is still uncertain. Under California law, the professional exemption generally is not available to registered nurses, with only limited exceptions. (Cal. Lab. Code § 515(f).)

Disability discrimination. Under the federal Americans With Disabilities Act (ADA), a disability must be an impairment that *substantially limits a major life activity*. (42 U.S.C. § 12102(2).) Under the California Fair Employment and Housing Act, under which most claims here are filed, the impairment simply has to be a *limitation*. (Cal. Gov't Code § 12926.1(c) and (d)(2).) Also under federal law, when determining whether an individual is substantially limited in a major life activity, mitigating measures—such as medication, equipment, eyeglasses, and hearing aids—must be taken into account. (*Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999).) State law does not consider mitigating measures. (Cal. Gov't Code § 12926.1.)

THAT'S THE CONTRACTOR'S RESPONSIBILITY, NOT OURS

Two or more businesses that exercise control over working conditions may be deemed *joint employers*—individually responsible for complying with employment laws controlling the workers they employ. That means that a company found to be a joint employer of a group of workers may be held liable for back wages for overtime and minimum-wage violations. The company may also be liable for interest on the wages due, attorneys fees, court costs, and penalties for failing to pay the employees on time—

even if another entity hired them, supervised them, and had the responsibility to pay them. (Cal. Lab. Code §§ 98.1, 203, 210, 218.5, 1193.6, and 1194; A.B. 223 and 276; and S.B. 179.)

An entity will qualify as a joint employer if it satisfies the legal definition of an employer: in California, someone who “employs or exercises control over the wages, hours, or working conditions of any person.” (Cal. Indus. Welfare Comm’n Wage Order 4, § 2(H).) The federal definition includes any person acting “in the interest of an employer in relation to an employee.” (29 U.S.C. 203(d).) Not surprisingly, the courts do not rely on either of these vague definitions when determining whether an entity qualifies as an employer or joint employer. Instead, they often apply a multifactor “economic-realities” test. (*Bureerong v. Uvawas*, 922 F.Supp. 1450, 1467–71 (C.D. Cal. 1996).) Under this test, the more dependent a worker is on an entity, the more likely the entity will be considered the worker’s employer or joint employer.

In examining the economic realities indicating workers’ dependence, courts concentrate on whether the employing entity:

1. has the power to hire and fire the workers
2. supervises or controls work schedules or employment conditions
3. determines the rate and method of payment, and
4. maintains employment records for the workers.

When courts have found joint employers. Courts have repeatedly emphasized that the term *employer* is defined broadly when applying the economic-realities test. (*Torres Lopez v. May*, 111 F3d 633, 639 (9th Cir. 1997).)

A finding of all four of the factors listed above suggests that the entity will qualify as an employer. (*Bonnette v. California Health & Welfare Agency*, 704 F2d 1465, 1469–70 (9th Cir. 1983)). However, even in their absence, a court might still consider an entity to be an employer or joint employer. For example, in *Antenor v. D & S Farms* (88 F3d 925, 938 (11th Cir. 1996)),

the court found that a company could qualify as a joint employer even though another company had hired the workers and assigned them jobs, directly supervised them, disciplined and discharged them, and paid their wages.

Furthermore, the four factors are not exhaustive. For example, in *Rutherford Food Corp. v. McComb* (331 U.S. 722, 729 (1947)), the U.S. Supreme Court found that workers were employees of a company because they had been sufficiently "integrated" into that company's production force. Courts also find joint employers when two companies share an employee's services. In *MidContinent Pipe Line Co. v. Hargrave* (129 F.2d 655, 658-59 (10th Cir. 1942)), the court held that a petroleum company and its carrier jointly employed security personnel when the two companies used the personnel to protect their property during a labor strike.

California recently enacted its own unique law regarding joint employers. (S.B. 179.) That statute imposes liability and civil penalties on "any person or entity" that enters into a "contract or agreement for labor or services with a construction, farm labor, garment, janitorial, or security guard contractor" and knows or should know that the contract does not include sufficient funds to allow the contractor to comply with federal, state, and local laws and regulations governing the labor or services to be provided. Aggrieved employees can sue for the greater of actual damages or \$250 per employee per initial violation and \$1,000 per employee per subsequent violation, plus attorneys fees and costs.

YOU'RE NOT OUR EMPLOYEE, YOU'RE AN INDEPENDENT CONTRACTOR

An independent contractor is a self-employed worker hired to perform services for another. Hiring parties have numerous obligations to employees that they do not owe their independent contractors. The label applied, however, is not

dispositive of worker status, which must often be determined in a lawsuit. Some courts will even disregard written agreements workers have signed acknowledging their independent contractor status.

Right-to-control test. The right-to-control test focuses on the control the hiring party has over the services performed by the worker. This test is generally used by the Internal Revenue Service and California's Employment Development Department to determine liability for employment and payroll taxes. It is also used by many other state tax, unemployment, and workers compensation authorities and by the courts in a variety of contexts, including most civil rights actions.

The economic-realities test. This test, usually applied in FLSA wage-and-hour cases, focuses on the extent to

Presuming that a manager meets California's salary-basis test, the next step is to determine whether he or she is primarily engaged in the duties that meet one of the articulated exemptions, such as the administrative, executive, or professional exemption. This test is anything but precise. For example, for California's executive employee exemption to apply, a worker must:

1. manage the company or a recognized department or subdivision
2. customarily and regularly direct the work of two or more employees
3. have the authority to hire, fire, discipline, or promote
4. customarily and regularly exercise independent judgment, and
5. be engaged in the above duties for more than half of his or her working time.

Under California law, the most relevant duties are those actually performed by the employee—a critical inquiry for employees with borderline status. For example, a manager who underperforms and as a result primarily engages in clerical tasks instead of managing could be determined to be misclassified as exempt. (*Ramirez v. Yosemite Water Co., Inc.*, 20 Cal. 4th 785 (1999).)

Another common pitfall is to assume that an employee properly classified as exempt from overtime provisions under federal law is also exempt under California law. Many of the exemptions are titled the same and largely include the same elements; however, the application of those tests differs significantly. For example, federal law evaluates the exemptions discussed above on a qualitative basis, examining the employee's primary duty, while California law takes a quantitative approach, focusing on the actual time spent performing exempt and nonexempt tasks. (*Ramirez v. Yosemite Water Co.*, 20 Cal. 4th at 797.) Specifically, California law requires that an employee qualifying for the executive, administrative, or professional exemption spend "more than one-half of the employee's worktime" on exempt tasks. (Cal. Lab. Code § 515(2)(e).) **CL**

“Systematically assigning certain duties to one gender based on assumptions about strength or desire may also be viewed as discriminatory.”

which the worker is economically dependent on the hiring party.

YOU DON'T GET OVERTIME BECAUSE YOU'RE A MANAGER

It can be a costly mistake to assume that an employee who happens to have the word *manager* or *administrator* in his or her job title is exempt from state overtime laws. The California exemptions require a two-part analysis: the salary-basis test and examination of employee duties. The salary-basis test requires a showing that the employee receive a fixed salary that currently totals at least \$2,340 per month, which is two times California's minimum wage for full-time employment. An employer slipup could result in loss of exempt status and liability for unpaid overtime.

COUNCIL AGENDA ITEM DETAIL SHEET

ISSUE: SELF-ADVOCACY

BACKGROUND:

In early 2012, the Council established and began to support a new statewide self-advocacy organization, known as the Statewide Self-Advocacy Network (SSAN). In order to guide the fledgling group, the Council entered into a contract with an organization, the Board Resource Center. Though that contract has since been dissolved, it has been replaced by another contract, with CAPC, Inc. The Council has demonstrated its support for the growth of the self-advocacy movement in a number of other ways as well. The Council's 2012-2016 State Plan identifies 5 objectives focused on self-advocacy, one of which includes support for a statewide organization, as required by the DD Act. Other objectives focus on expanding local groups; providing training and promoting leadership roles; and advancing cross disability and youth coalitions.

ANALYSIS/DISCUSSION:

The Executive Committee directed staff to provide to the Council an analysis of the total costs incurred by the Council for self-advocacy activities and the resulting outcomes or accomplishments on this goal. This includes not only the work of SSAN, but also the work of the Self-Advocacy Advisory Committee (SAAC); the activities of the area boards locally; and grants that were awarded to advance self-advocacy. Accordingly, attached is:

- A portion of the Council's 2011-12 annual report to the federal AIDD which relates outcomes achieved on the self-advocacy goal.
- A PowerPoint presentation on the expected outcomes of SSAN
- Annual Self-Advocacy expenses broken out by SSAN, SAAC, Grants, Contract, and area boards.

COUNCIL STRATEGIC PLAN GOAL/OBJECTIVE: GOAL #1: Individuals with developmental disabilities have the information, skills, opportunities and support to advocate for their rights and services and to achieve self-determination, independence, productivity, integration and inclusion in all facets of community life.

PREVIOUS ACTION: See Above

RECOMMENDATIONS: Information Only

PREPARED: Roberta Newton, September 3, 2013

Self-Advocacy

Cost Breakdown for Self-Advocacy

SSAN	Estimated	Actual
Member Costs		\$27,215.00
Facilitator Costs		\$26,914.00
Staff Costs		\$7,536.00
Facility Costs		\$21,635.00
Total	\$0.00	\$83,300.00

Full-Time CPS II	Estimated	Actual
100% Time base		\$90,916.00
Travel Cost		\$390.00
Total	\$0.00	\$91,306.00

Local AB Efforts	Estimated	Actual
AB Self-Advocacy Costs		\$260,000.00
Total	\$0.00	\$260,000.00

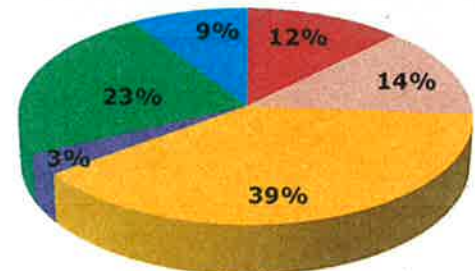
SAAC	Estimated	Actual
Travel Costs		\$17,280.00
Facilitator Costs		\$3,900.00
Total	\$0.00	\$21,180.00

Support Contract	Estimated	Actual
Contract amount		\$155,000.00
Total	\$0.00	\$155,000.00

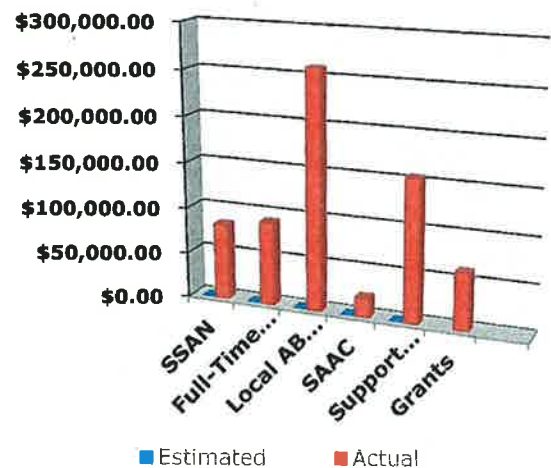
Grants	Estimated	Actual
YLF		\$10,000.00
AB 11		\$20,000.00
AB 12		\$20,000.00
Regional Grants		\$12,000.00
Total		\$62,000.00

Total Expenses	Estimated	Actual
	\$0.00	\$672,786.00

Actual Cost Breakdown



■ SSAN
 ■ Full-Time CPS II
 ■ Local AB Efforts
 ■ SAAC
 ■ Support Contract
 ■ Grants



The Council will promote the stability and expansion of a statewide self advocacy network through financial and in-kind support, which includes ensuring that local delegates are able to participate effectively in statewide meetings and events.

Implementation activities:

1) RFP to Identify State wide network, 2) Support to local groups and 3) financial assistance for travel.

Activities undertaken were: ☐ All met ☒ Partially met ☐ Not met

Timelines:

1) Year 1: Month 1- 4 Invite grant applications, Month 5 Select grantee(s) and establish contract deliverables, Monitor grant ongoing, 2) As needed; and 3) Ongoing

Timelines established were: ☐ All met ☒ Partially met ☐ Not met

Annual Progress Report:

In 2011 the Administration on Developmental Disabilities (ADD) held multi-state self-advocacy summits to hear from self-advocates to voice their concerns and ideas about building the self-advocacy movement locally, state and nationally. One of the summits was held in Los Angeles, California. Many of the attendees were from California and many had ties to the Council. One of the issues and concerns to come out of that summit was that California has many active, enthusiastic and vibrant self-advocacy groups but there is no statewide unifying mechanism that gives them a voice and power to get their message to the public and policymakers.

To help the California self-advocacy groups organize, the Council contracted with Board Resource Center (BRC) to create the organizational structure and to provide ongoing support to individual self-advocates and self-advocacy groups. To this end, the Statewide Self-Advocacy Network (SSAN) was created to build a statewide association of self-advocates who represent regional and statewide advocacy organizations. Supported by the Council, SSAN was created to build an alliance that links California communities with statewide organizations to advance their message to the public and policymakers.

SSAN membership is made up of self-advocates from the Council's Self-Advocates Advisory Committee, the 13 Area Boards, the three California University Centers for Excellence, Disability Rights California and the Department of Developmental Services Consumer Advisory Committee. SSAN organizes individuals who rely on California's human service systems to direct efforts that lead to more Californians with disabilities exercising fundamental freedoms.

From March 2012 through the end of September 2012 BRC provided the following support to further the Council's goal of creating a statewide self-advocacy network: 1) Developed detailed SSAN information booklets in plain language for members and Area Boards to learn about the Network in three formats, for statewide distribution and posting on the council's website; 2) Developed presentation materials and provided SSAN community presentations at four Area Board regions. 3) Developed all multi-media meeting and training materials for two-day meetings; 4) created a self-advocacy resource website.

Because California is large in size and traveling for people with disabilities can be difficult SSAN

has used technology to help self-advocates have greater access to meetings and communication between themselves. For SSAN meetings, self-advocates have used Adobe Connect to tune into meetings remotely. The Council headquarters, its local area offices or Area Boards, and Disability Rights California (DRC) have lent out rooms for self-advocates to use. Between meetings, self-advocates use Google Groups to communicate amongst themselves. The 13 area offices of the Council, or Area Boards, also provided support to individual and group self-advocates in their communities through facilitation, providing space for meetings and other supports.

Performance Measures

Performance Measure 1.1 (self-advocacy/advocacy):

SA01 People trained in area related to goal/objective:	0
SA02 People trained in leadership, self-advocacy, and self-determination:	20
SA03 People trained in systems advocacy:	20

Performance Measure 1.2 (self-advocacy/advocacy):

SA04 People active in systems advocacy:	20
SA05 People attained membership on public/private bodies and leadership coalitions:	0
SA06a Other self-advocacy measure:	0
SA06b Other self-advocacy measure:	0
SA06c Other self-advocacy measure:	0

Performance Measure 2.1 (systems change):

SC01 Programs/policies created or improved:	0
SC02 Number of organizations involved coalitions/networks/partnerships:	10
SC03 Organizations engaged in systems change efforts:	0
SC04 Number of public policymakers educated:	0
SC05 Members of the general public reached:	0
SC06a Other systems change measure:	0
SC06b Other systems change measure:	0
SC06c Other systems change measure:	0

Performance Measure 3 (resource leveraging):

RL01 Dollars Leveraged:	\$0
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Objective 1.2:

The Council will strengthen existing self advocacy groups and promote establishment of new groups at the local level. At least 5 new self-advocacy groups will be developed in new geographic areas. The number of self advocates

who participate in self advocacy activities as a result of this support will increase by 150 statewide annually.

Implementation activities:

1. Outreach
2. Local in kind support
3. Outreach to identified areas of need
4. Support new groups

Activities undertaken were:

☐ All met

☒ Partially met

☐ Not met

Timelines:

1. Ongoing outreach to existing groups to offer training, support, and technical assistance.
2. Offer meeting space, postage, mailing and other supports as needed
3. Year 1 Identify 5 regions lacking organized self advocacy groups. Conduct outreach by phone and mail to self advocates in areas where there is no active self advocacy groups to identify the interest in forming such groups.
4. Year 1, 2 and ongoing (as in #1)

Timelines established were:

☐ All met

☒ Partially met

☐ Not met

Annual Progress Report:

During the fiscal year 2011-12 local area offices of the Council (Area Boards) made presentations and helped facilitate planning meetings at local day programs and to individuals to start 5 new self-advocacy groups. Area boards also made presentations promoting the new Statewide Self-Advocacy Network (SSAN) as well as recruiting self-advocates to become Area Board representatives to SSAN.

A grant from an Area Board to the Self-Advocacy Coordination Project with Supported Life Institute, funded a newly formed Sacramento Asperger Self-Advocacy Group. The funds from the Program Development Fund account will support activities developing similar groups that target Autistic Spectrum Disorder (ASD) individuals as future leaders and self-advocates within the Area Board's ten counties catchment area.

Another Area Board provided ongoing technical support and facilitation to the Self- Advocates for a Better Tomorrow group. This is a creative approach to using day program support to individualize supports that are focused on strengthening local self-advocacy efforts. Three individuals meet Monday through Friday and provide outreach, mentorship and education to organizations and self-advocacy groups. In addition, these advocates have presented at the People First Conference and to the students at the College Bound program. They write letters to legislative representatives, and did voter education training at the San Diego People First meeting, as well as manned a voter registration table at the Legislative Breakfast.

Performance Measures

Performance Measure 1.1 (self-advocacy/advocacy):

SA01 People trained in area related to goal/objective:

0

SA02 People trained in leadership, self-advocacy, and self-determination:

120

SA03 People trained in systems advocacy:	0
Performance Measure 1.2 (self-advocacy/advocacy):	
SA04 People active in systems advocacy:	200
SA05 People attained membership on public/private bodies and leadership coalitions:	0
SA06a Other self-advocacy measure:	0
SA06b Other self-advocacy measure:	0
SA06c Other self-advocacy measure:	0
Performance Measure 2.1 (systems change):	
SC01 Programs/policies created or improved:	0
SC02 Number of organizations involved coalitions/networks/partnerships:	0
SC03 Organizations engaged in systems change efforts:	0
SC04 Number of public policymakers educated:	20
SC05 Members of the general public reached:	50
SC06a Other systems change measure:	0
SC06b Other systems change measure:	0
SC06c Other systems change measure:	0
Performance Measure 3 (resource leveraging):	
RL01 Dollars Leveraged:	\$0

Objective 1.3:

The Council will help to educate self advocates so they are better able to assert their human, service and civil rights, prevent abuse, neglect, sexual and financial exploitation and be better informed on issues that affect them. At least 1450 self advocates will be reached annually.

Implementation activities:

1. Conferences and Trainings
2. Support participation
3. Develop materials

Activities undertaken were: ☐ All met ☒ Partially met ☐ Not met

Timelines:

1. Yearly, Sponsor/collaborate in at least 6 local, regional or statewide conferences and trainings where self advocates have a leadership role.
2. As needed, provide travel expenses and other supports to ensure that self-advocates are able

to participate in such events (within allocations)

3. As needed, develop training materials in plain language and translate into threshold languages, either by staff or through competitive bid/RFP

Timelines established were:

☐ All met

☒ Partially met

☐ Not met

Annual Progress Report:

Through council grants, in-kind support and conference scholarships the Council's area offices (Area Boards) were able to support self-advocates and their organizations in holding 12 conferences with 2200 self-advocates and their families attending.

An Area Board collaborated with the "We Care A Lot Foundation" and People First- Region 2 to organize and put on a Leadership Retreat. The goal of the retreat is to teach self-advocates how to be a better leader, network with other leaders, strengthen self-advocacy efforts and establish new goals for their community.

Area Boards also made presentations to self-advocacy groups and attended resource fairs across the state to talk about the new Statewide Self-Advocate Network and other topics such as leadership training, advocating with your elected officials, voting, Anti-bullying, state budget cuts, History of Self-Advocacy and Inclusion, and how to start a new self-advocacy chapter. More than 800 self-advocates were given training.

Another Area Board supported and facilitated self-advocate peer training teams that went out to give presentations to day programs and self-advocate groups. Topics included: abuse prevention, drug and alcohol issues, voting and healthy hygiene. 544 self-advocates were trained at more than 10 presentations and a voting fair attended by more than 200 people with developmental disabilities.

An Area Board helped facilitate 25 self-advocates to participate in the East County Gavel Club (an affiliate of the Toastmasters International) annual Humorous Speech contest. The local People First self-advocacy group also hosted the Gavel Club for their annual self-advocacy speech contest.

Performance Measures

Performance Measure 1.1 (self-advocacy/advocacy):

SA01 People trained in area related to goal/objective:	4,000
SA02 People trained in leadership, self-advocacy, and self-determination:	800
SA03 People trained in systems advocacy:	1,000

Performance Measure 1.2 (self-advocacy/advocacy):

SA04 People active in systems advocacy:	0
SA05 People attained membership on public/private bodies and leadership coalitions:	0
SA06a Other self-advocacy measure:	0
SA06b Other self-advocacy measure:	0
SA06c Other self-advocacy measure:	0

Performance Measure 2.1 (systems change):

SC01 Programs/policies created or improved:	0
SC02 Number of organizations involved coalitions/networks/partnerships:	50
SC03 Organizations engaged in systems change efforts:	0
SC04 Number of public policymakers educated:	0
SC05 Members of the general public reached:	0
SC06a Other systems change measure:	0
SC06b Other systems change measure:	0
SC06c Other systems change measure:	0

Performance Measure 3 (resource leveraging):

RL01 Dollars Leveraged:	\$14,000
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Objective 1.4:

Council will collaborate with, promote and support the efforts of cross disability and youth disability organizations to expand and strengthen their leadership network

Implementation activities:

1. Request for Proposals
2. Identify 5 areas for Outreach
3. Disseminate materials

Activities undertaken were:

☐ All met

☒ Partially met

☐ Not met

Timelines:

1. Yearly, provide financial and/or in-kind support to one or two cross disability or youth disability organizations through grant process.
 - a) first 3 months call for proposals
 - b) month 4 identify recipients
 - c) month 5-6 contract with successful applicant(s)
2. Yearly, identify at least 5 local areas to conduct outreach to school districts and others to invite their participation in youth self-advocacy training.
3. Identify and disseminate materials that promote youth self-advocacy

Timelines established were:

☐ All met

☒ Partially met

☐ Not met

Annual Progress Report:

One of the strengths of the Council is the ability of its local area offices, or Area Boards, to work with, support and collaborate with the many private non-profit, providers, self-advocacy groups and governmental entities to improve and enhance the lives of people with disabilities. To teach people with disabilities about their rights, how to become self-advocates, becoming leaders. To

that end the council is trying to reach the next generation of self-advocates through presentations at schools and colleges.

The Council through a Cycle 34 grant provided funding for 10 students with developmental disabilities to participate in the California Youth Leadership Forum for Students with Disabilities (YLF). YLF is a cross disability forum where students with disabilities from across the state come to the State capitol in Sacramento for a week long learning experience. Students stay in the dorms at California St. University, Sacramento. Students learn about becoming a leader and the legislative process. Students learn public speaking and also meet with legislators and their staff.

An Area Board formed the Disability Advocacy Network (DAN) that included agencies that serve and support cross disabilities. Purpose of coalition is to support and collaborate with people with disabilities and agencies representing people with disabilities to play a vital role in all aspects of organizing locally and to advocate through educational and consumer-driven community events and advocate for disability issues at local and state level to legislators and the general community. Members of DAN attended Capital Disability Action Day in Sacramento, 200 self-advocates and agency professionals attended meeting with 5 Legislators from their districts.

Performance Measures

Performance Measure 1.1 (self-advocacy/advocacy):

SA01 People trained in area related to goal/objective:	20
SA02 People trained in leadership, self-advocacy, and self-determination:	20
SA03 People trained in systems advocacy:	0

Performance Measure 1.2 (self-advocacy/advocacy):

SA04 People active in systems advocacy:	0
SA05 People attained membership on public/private bodies and leadership coalitions:	0
SA06a Other self-advocacy measure:	0
SA06b Other self-advocacy measure:	0
SA06c Other self-advocacy measure:	0

Performance Measure 2.1 (systems change):

SC01 Programs/policies created or improved:	0
SC02 Number of organizations involved coalitions/networks/partnerships:	5
SC03 Organizations engaged in systems change efforts:	0
SC04 Number of public policymakers educated:	5
SC05 Members of the general public reached:	0
SC06a Other systems change measure:	0
SC06b Other systems change measure:	0
SC06c Other systems change measure:	0

Performance Measure 3 (resource leveraging):

RL01 Dollars Leveraged:	\$0	40
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Objective 1.5:

Individuals with developmental disabilities are supported and trained to become effective trainers of other individuals with developmental disabilities who may become leaders

Implementation activities:

1. Identify participants
2. Curriculum development
3. Trainings

Activities undertaken were:

☐ All met

☒ Partially met

☐ Not met

Timelines:

1. Year 1, identify a cadre of self advocate leaders to become trainers of other self advocates
2. Year 2, develop curriculum with this leadership team
3. Years 3 to 5, Sponsor regional and state self advocacy leadership trainings throughout the state

Timelines established were:

☐ All met

☒ Partially met

☐ Not met

Annual Progress Report:

The Council, supported leadership development of the statewide representatives to Statewide Self-Advocacy Network (SSAN) through its self-advocacy grants. A major component of this fiscal year's activity was leadership development to lay the foundation for the statewide entity and have these Self-Advocates develop their capacity to promote self-advocacy and involvement in their local areas.

The Council through its local area office efforts have conducted countless presentations and training, have facilitated many self-advocates and self-advocate organizations across the state to increase the number and quality of self-advocate leaders statewide.

With funding provided through an Area Board grant awarded to the ALIVE Consumer Action Committee, the group formed a training and consultation business called Project SEED. Although the ALIVE CAC and Project SEED are affiliated groups that share membership and the same goals, Project SEED's mission lies in the meaning of its name - Seeking Equality through Education and Demonstration. Basically where the ALIVE CAC seeks equality through focusing on public policy, legislative outreach, and activism; Project SEED seeks the same through training and consultation services. SEED conducted more than 15 presentations or training to more than 800 people.

Area Board staff participated in the We Care A Lot Foundation's Self-Advocate Leadership Conference. Area Board staff across the state made presentations and held trainings on self-advocacy and leadership.

Performance Measures

Performance Measure 1.1 (self-advocacy/advocacy):

SA01 People trained in area related to goal/objective:

SA02 People trained in leadership, self-advocacy, and self-determination:	1,220
SA03 People trained in systems advocacy:	0
Performance Measure 1.2 (self-advocacy/advocacy):	
SA04 People active in systems advocacy:	0
SA05 People attained membership on public/private bodies and leadership coalitions:	0
SA06a Other self-advocacy measure:	0
SA06b Other self-advocacy measure:	0
SA06c Other self-advocacy measure:	0
Performance Measure 2.1 (systems change):	
SC01 Programs/policies created or improved:	0
SC02 Number of organizations involved coalitions/networks/partnerships:	1
SC03 Organizations engaged in systems change efforts:	0
SC04 Number of public policymakers educated:	0
SC05 Members of the general public reached:	0
SC06a Other systems change measure:	0
SC06b Other systems change measure:	0
SC06c Other systems change measure:	0
Performance Measure 3 (resource leveraging):	
RL01 Dollars Leveraged:	\$0

Section III: Progress Report - Goals and Objectives

Goal 2: Rights Training and Advocacy

Individuals with developmental disabilities and their families become aware of their rights and receive the supports and services they are entitled to by law across the lifespan, including early intervention, transition into school, education, transition to adult life, adult services and supports, and senior services and supports.

Area of Emphasis	Planned for this Goal	Areas Addressed
Quality Assurance	planned	addressed
Education and Early Intervention	planned	addressed
Child Care		
Health	planned	addressed
Employment	planned	addressed
Housing		
Transportation		
Recreation		
Formal and Informal Community Supports	planned	addressed

Strategies	Planned for this Goal	Strategies Used
Outreach		
Training	planned	used
Technical Assistance	planned	used
Supporting and Educating Communities	planned	used
Interagency Collaboration and Coordination	planned	
Coordination with Related Councils, Committees and Programs		
Barrier Elimination		
Systems Design and Redesign		
Coalition Development and Citizen Participation	planned	used
Informing Policymakers		
Demonstration of New Approaches to Services and Supports		
Other Activities		

Intermediaries/Collaborators	Planned for this Goal	Actual
State Protection and Advocacy System	planned	used
University Center(s)	planned	
State DD Agency	planned	

Other Collaborators Planned:

Other Collaborators Actual:

- Arc of California
- North Bay Organizing Project
- County Child & Family Services
- County Public Health
- California St. University
- Family Resource Network
- Downs syndrome Association
- Office of Clients Rights Advocacy
- Regional Centers
- Task
- Local public health dept.
- Sonoma State college
- Calif. Dept. of Education

Statewide Self-Advocacy Network



Self-Advocacy Network Voices



"I will make the unheard voices be heard. I will speak loud and clear for those who can't."



Jimmy Lee
Area Board 4

"The Network will bring together self-advocates and organizations around the table to create a new avenue in the advocacy community."

Jennifer Allen
SCDD, SAAC



Network Future



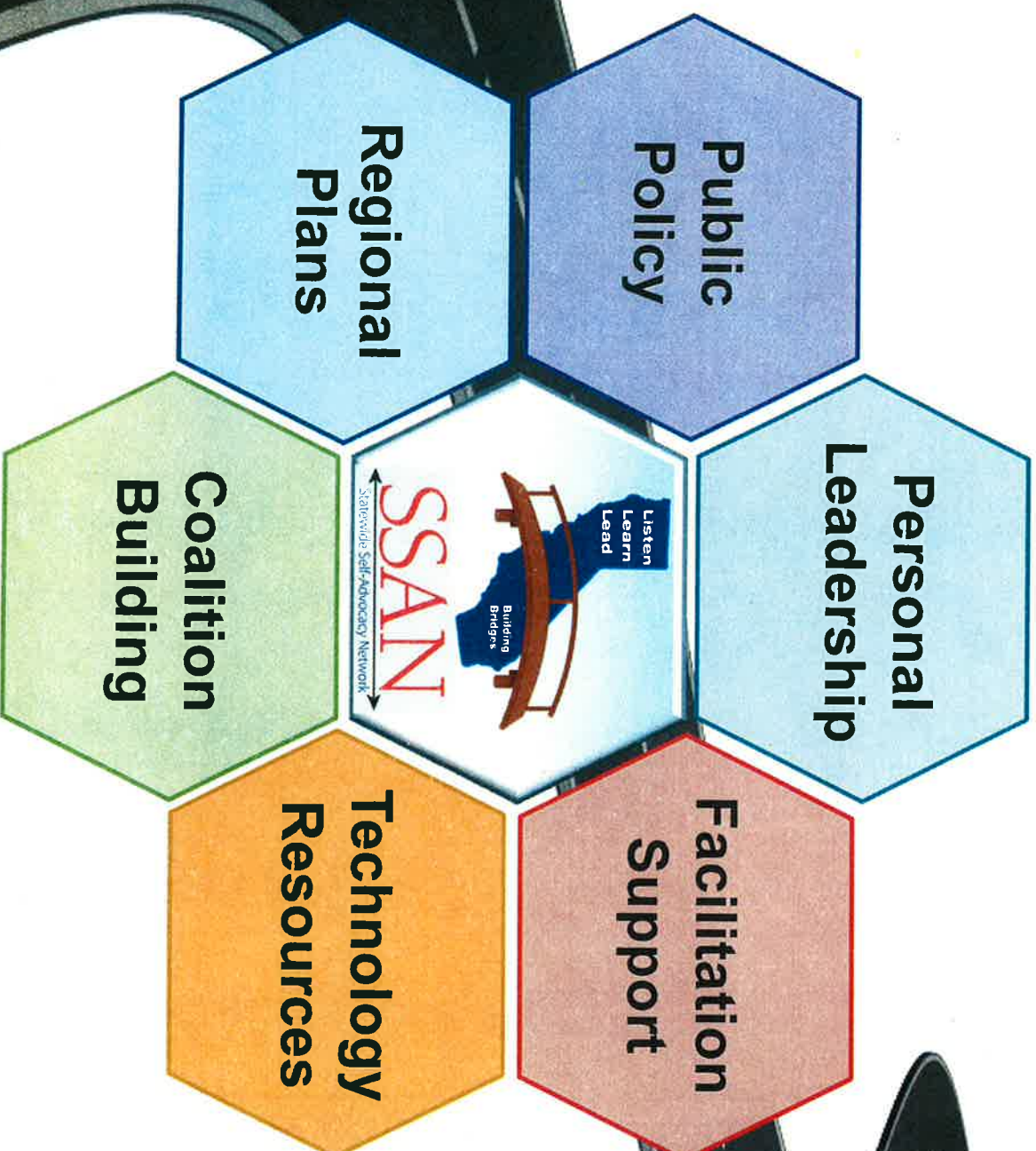
A statewide peer advocacy network that links advocates, communities and statewide leadership.



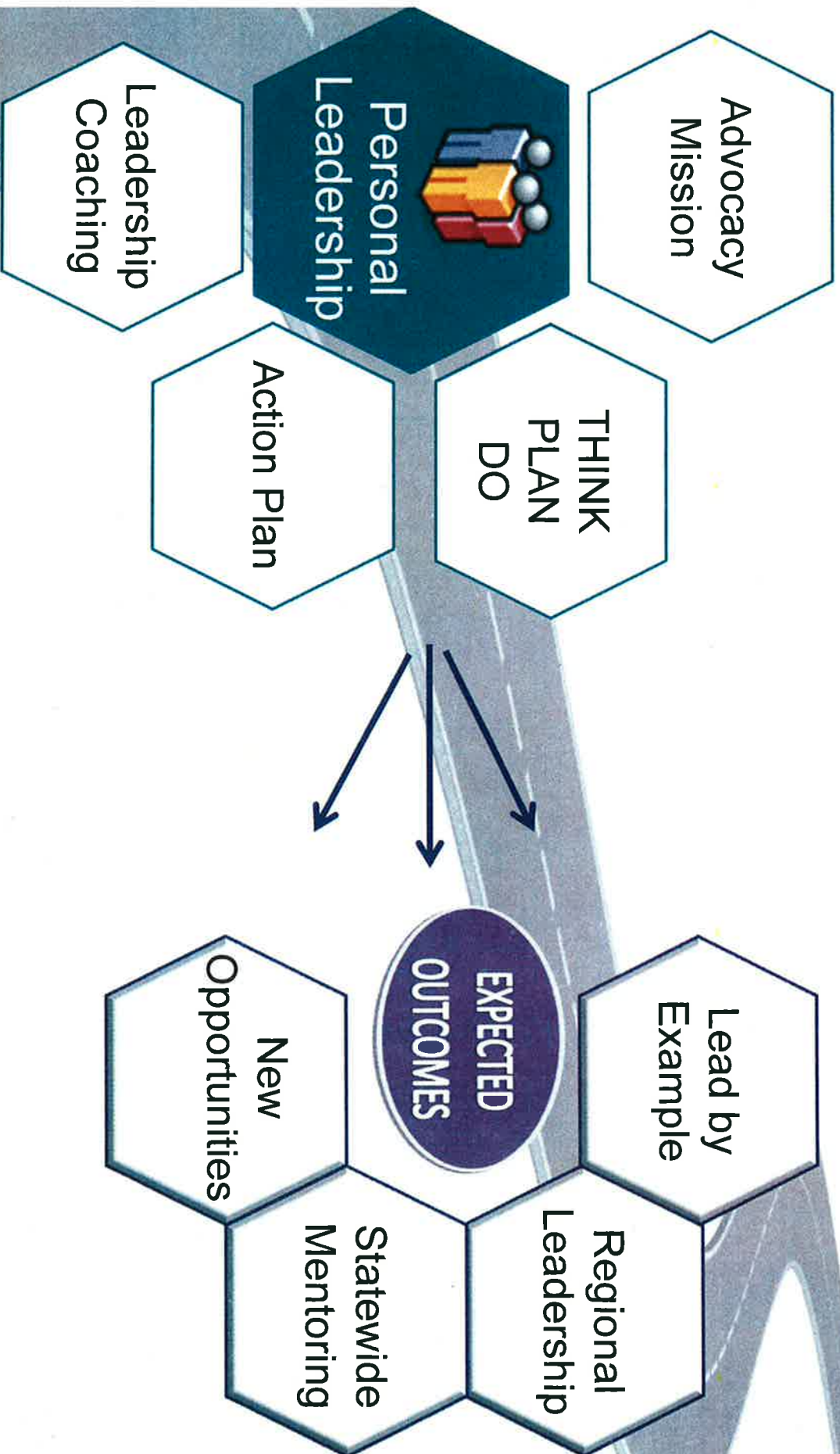
VISION

- ✦ Lead by example: leadership skill building
- ✦ Increase regional representation
- ✦ Build a voice for Californians with disabilities
- ✦ Develop regional coalitions
- ✦ Influence public policy

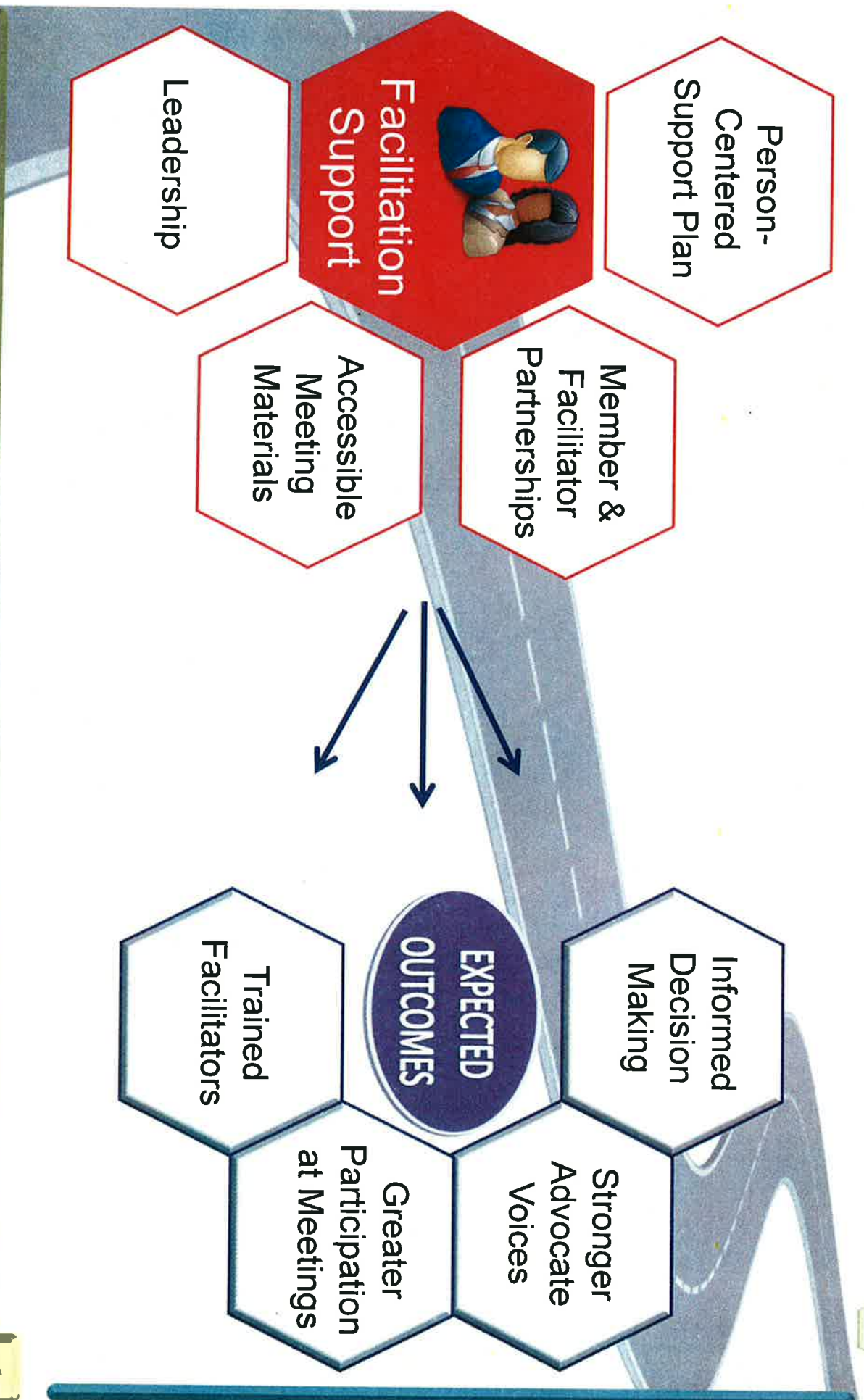
Network Roadmap



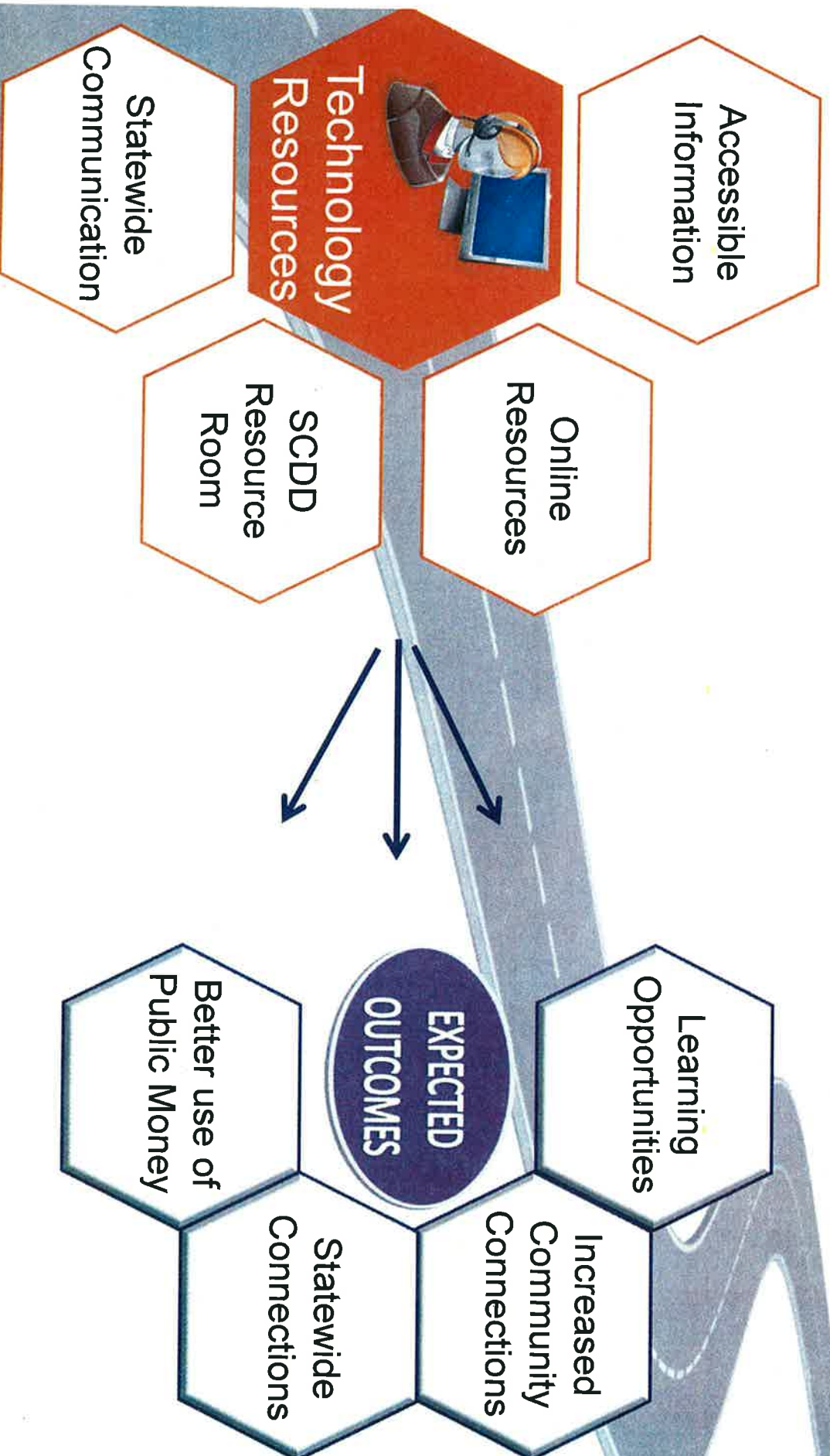
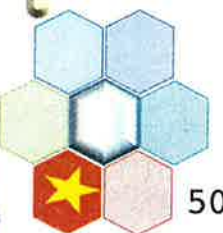
Network Roadmap



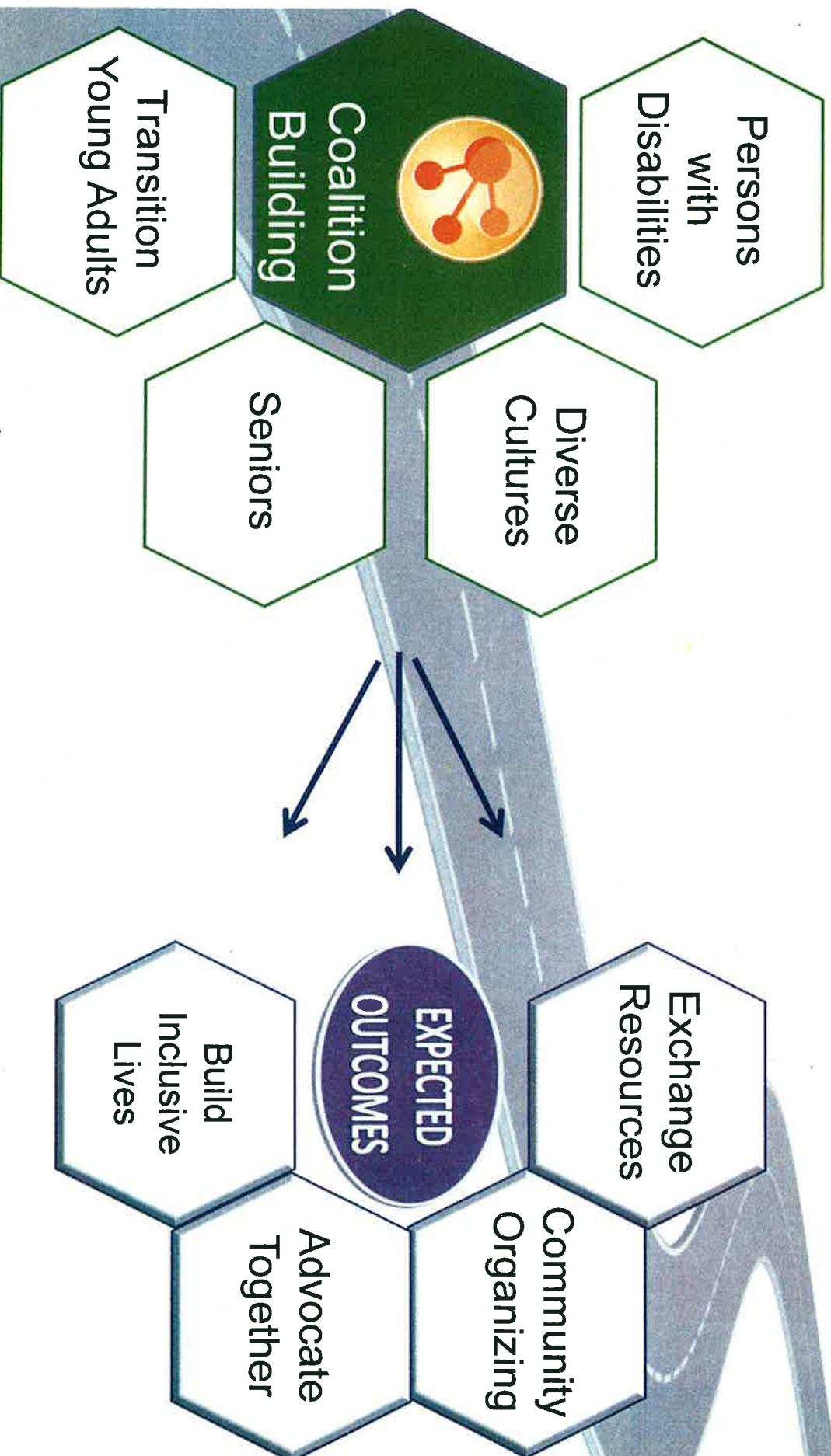
Network Roadmap



Network Roadmap



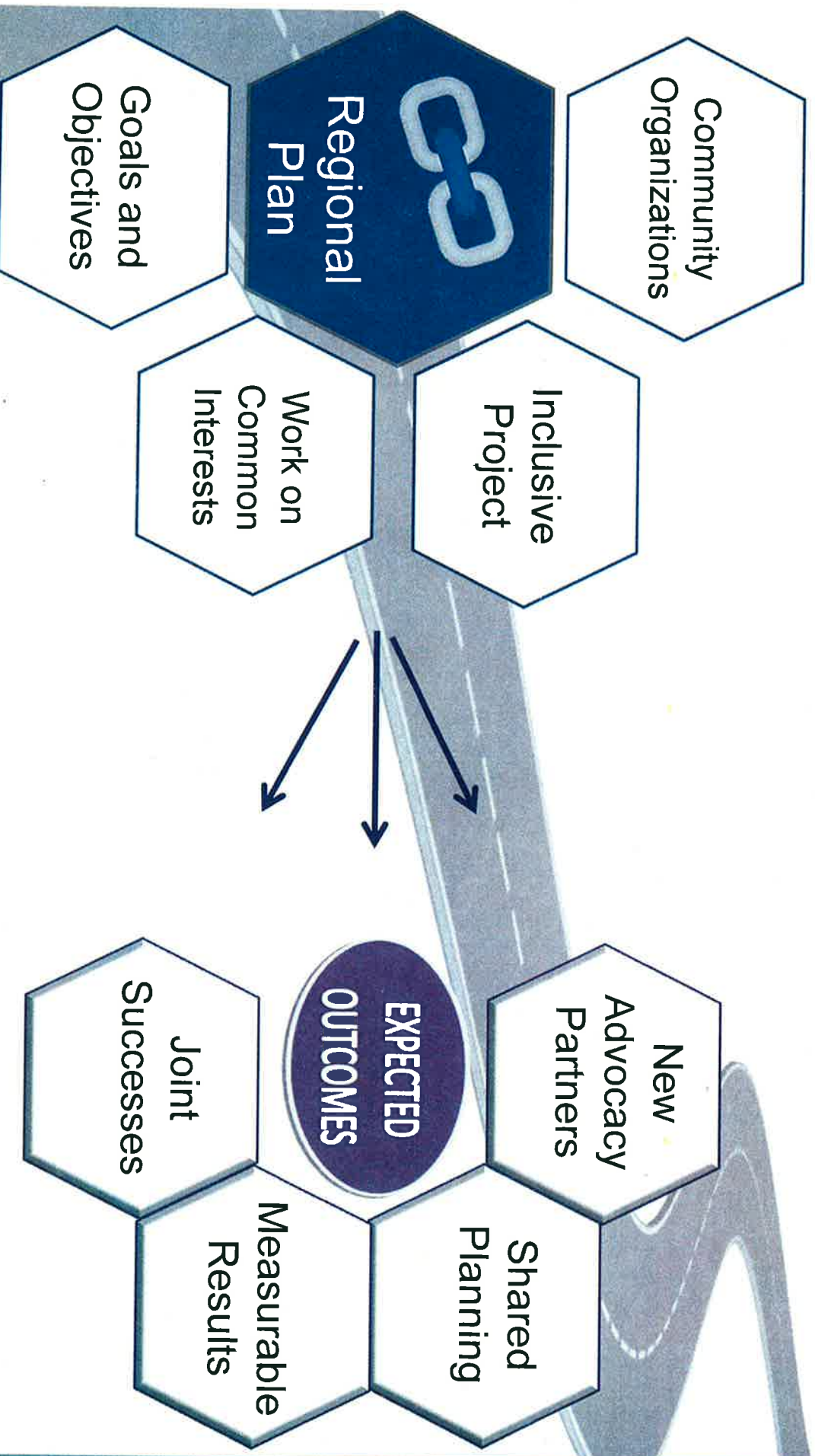
Network Roadmap



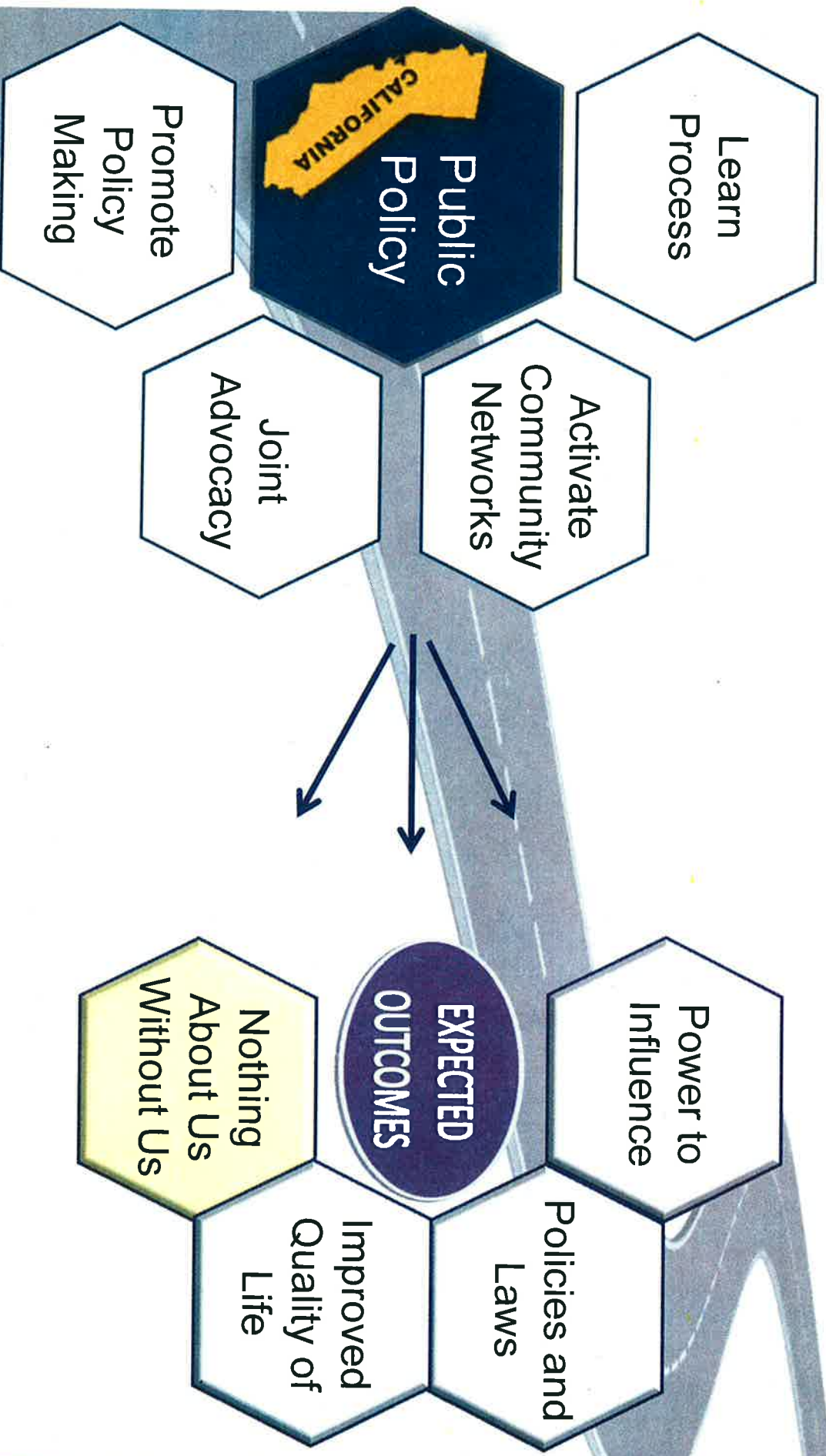
Network Roadmap



52



Network Roadmap



Self-Advocates

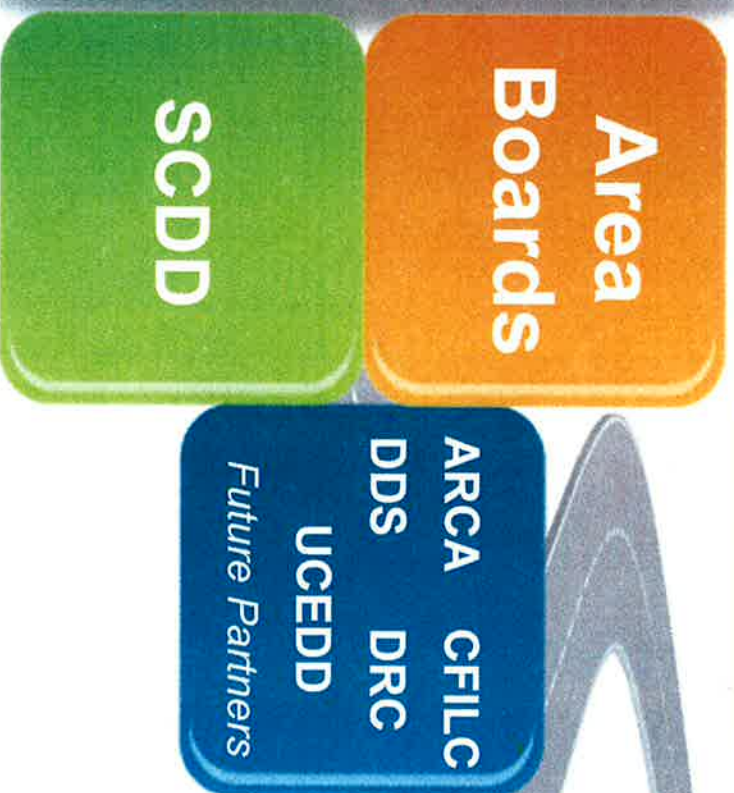


EXPECTED OUTCOMES

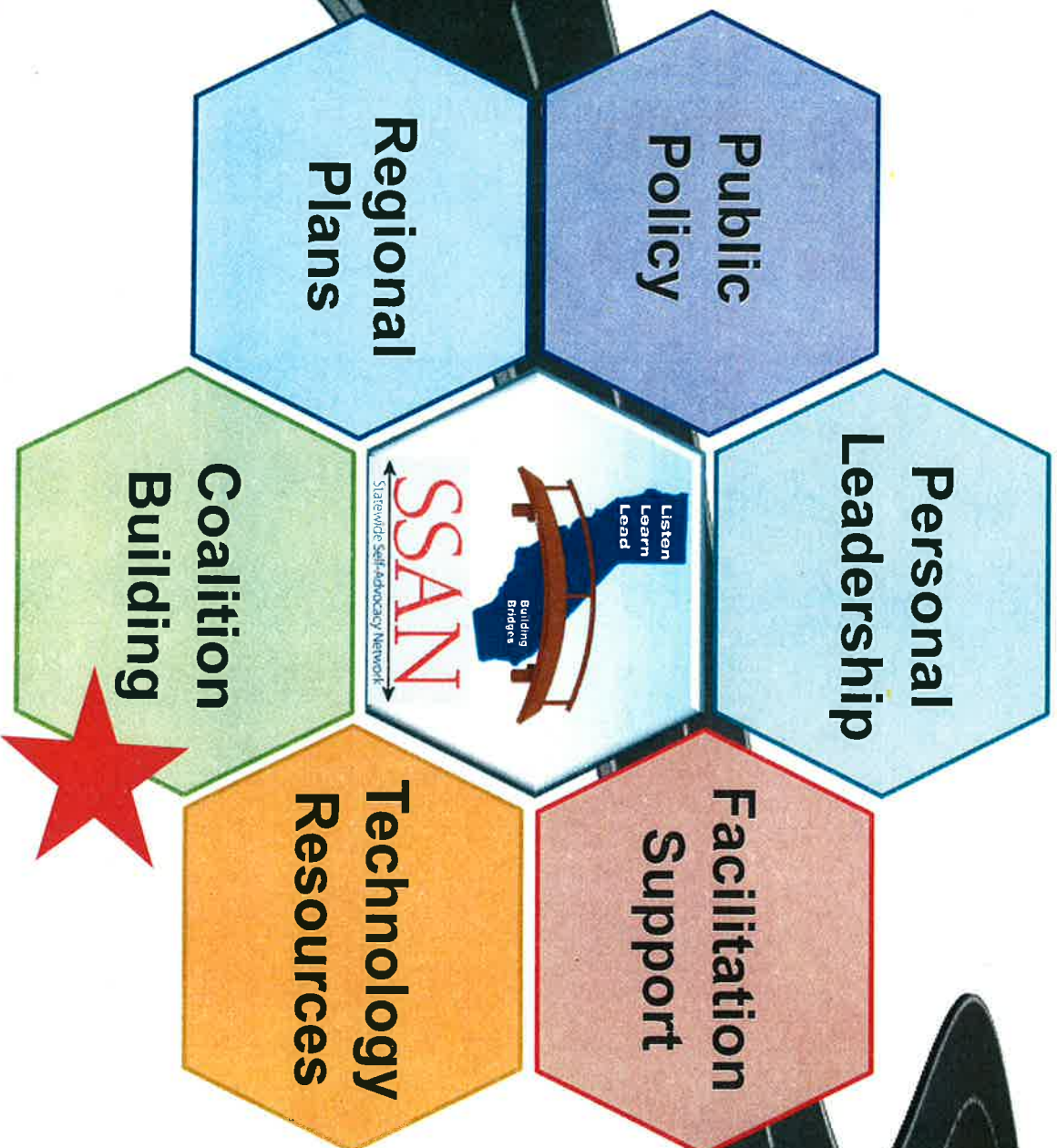
1. Build leadership
2. Create local opportunities
3. Organize statewide
4. Make a difference

Organization Responsibilities

1. Facilitation Services
2. Agency resources
3. Technical support
4. Create, carry out, monitor regional plans



Statewide Self-Advocacy Network



DRAFT

Administrative Committee Meeting Minutes August 29, 2013

Attending Members

David Forderer
Molly Kennedy
Ray Ceragioli

Members Absent

Brian Gutierrez
Kris Kent

Others Attending

Lynn Cach
Mark Polit
Melissa Corral
Roberta Newton
Robin Maitino
Wayne Glusker

1. Call to Order

Molly Kennedy called the meeting to order at 2:10 p.m. and established a quorum present.

2. Welcome and Introductions

Members and others introduced themselves.

3. Approval of July 2013 Minutes

It was moved/second (Ceragioli/Forderer) and carried to approve the July 25, 2013 minutes as presented.

4. Public Comments

There were no public comments.

5. Proposed CDSS Interagency Agreement

Roberta Newton went over the proposed agreement she sent to CHHS in early August. On August 28, 2013 Kris Kent responded to that proposal with a counter proposal.

6. 2013-14 Area Board Budget Allocations

Roberta Newton went over the 2013-14 area board allocation amounts with the Committee and pointed out some minor changes she made resulting from past errors in allocation amounts.

7. **2012-13 Year End Expenditures**
There was extensive conversation surrounding the reporting format used by CDSS and the difficulty of tracking unexpended funds. Lynn Cach indicated that she would contact DSS and request clearer reporting. Additionally, Roberta and Lynn identified several SCO direct pays from various other state departments such as DOJ, OTECH, and CalHR. They are working with these departments to try and get a courtesy invoice for tracking purposes.
8. **2012-13 Contract Expenditures**
The Committee reviewed the expenditure amounts as of July 30, 2013 and were advised that invoices are continuing to come in.
9. **Rollover Funds**
After extensive conversation regarding rollover funds, the Committee requested that staff attempt to receive additional information from CDSS as to where funds go when they are not spent.
10. **Draft Incompatible Activities Policy**
Melissa Corral presented the draft incompatible activities policy and explained the differences between the incompatible activities, conflicts of interest, and Council representation policies. The Committee requested that the word "consultant" be defined as it applies in this policy and to also explain the different policies to Council and staff members.
11. **Schedule Next Meeting**
The next meeting was set for Wednesday, October 2, 2013 at 2:00 pm.
12. **Adjournment**
Molly Kennedy adjourned the meeting at 3:50 pm.

Work Plan to Address November 2012 Audit Recommendations

April 2, 2013

Recommendations	Tasks	Next Steps/Timeline
1a. SCDD and staff should review COI and codes of conduct under state and federal regulations.	a. SCDD members and staff shall receive copies of 42 USC Section 15024(c)(5)(D), 45 CFR Section 74.42, GC Sections 87100, 19130, 19990 and the SCDD Incompatible Activities Statement and shall indicate in writing that they have read and understand its provisions.	By May 15, 2013 Completed
2a. Establish strong financial personnel	2a. Recruit for and train Budget Officer. Ensure that contract and procurement analysts receive appropriate training. Ensure that managerial staff receive appropriate training. Recruit for highly qualified Deputy for Administration. Ensure that the Procurement and Contracts Manual includes section with federal and state regulations regarding all applicable billing requirements.	2a. Awaiting resolution on SSM I employee, expected April 1, 2013. Recruitment for Budget Officer April 1, 2013 – May 15, 2013. Budget Officer position filled July 8, 2013.
2b. Establish internal control procedures for processing and approval of contracts and invoices.	2b. RA/Deputy to establish chain of command and process for documenting progressive review of submissions. Also to develop Policy for required backup documentation when submitting invoices.	Analyst training initiated in March 2013, ongoing through December 31, 2013. Managerial training initiates April 2013. GO appointment of Deputy for Administration tentatively early 2014. Currently awaiting approval of CalHR to fill Retired Annuitant (RA) appointment to act as Deputy, to start April 8, 2013.
2c. Develop a written policy concerning travel of contractors	2c. Develop policy on acceptable travel for contractors, including documentation required (receipts) for reimbursement and an authorization process for out-of-state	RA Sarah VanDyke hired as of April 9, 2013 Sarah VanDyke resigned as of July 19, 2013. Contract staff will be attending 4 additional classes: "Evaluation Criteria"; "Documentation"; "Services Contracting"; "Statement of Work."

	travel.	2b. 90 days following hire of an RA/Deputy.
3a. Develop regular expenditure reports to reconcile budget by actual expenses incurred by contracts.	3a. Budget Officer to submit expenditure reports to Administrative Committee no less than quarterly. Reports to include budgeted/expenditures by Contracts, HQ and regional offices.	2c. 90 days following hire of an RA/Deputy 3a. Began March 2013, though hampered by lack of a Budget Officer.
3b. Recommend pairing a SCDD member with fiscal expertise to work with staff.	3b. Newly reconstituted Administrative Committee to serve this function. Committee is composed of a current department deputy, an attorney, and an MPA.	3b. Began January 2013.
4a. Contracts must comply with DGS guidelines.	4a. Have Administrative Committee receive an overview of the DGS State Contracting Guidelines. Contract staff are attending DGS Contract Training class.	4a. At April 25, 2013 Administrative Committee meeting. Completed – DGS Contract Manual Summary, DSS Purchasing Policies and Procedures Handbook, DSS Contract Process Handbook obtained and disseminated to Admin Committee and contract staff. Said handbooks to be reviewed and revised as needed by RA/Deputy.
4b. A Procurement and Contract Handbook should be developed.	4b. RA/Deputy to query other small commissions for examples of Procurement and Contract Handbooks. Contract analysts to ask for samples from DGS staff.	4b. 90 days following hire of an RA/Deputy.
4c. Develop a procedure for contract approval verification.	4c. See 2b.	4c. 90 days following hire of an RA/Deputy
5a. DGS Training should be required for contract analysts, managers and their supervisors	5a. Ensure that all relevant staff register for and attend all pertinent classes. Interim E.D. will approve all appropriate	5a. Contract analysts have attended 40 hour DGS Contract Training class in March 2013. Staff Counsel and Interim E.D.

	training opportunities.	completed the same class in April. Additional training that is offered by DGS will be registered for throughout 2013.
6a. Staff needs to use detailed and specific contract language including measurable goals.	6a. Staff will be trained in best practices for contract language and provisions.	6a. Contract analysts have attended first basic contract class and will be registering for additional classes.
6b. Staff Legal Counsel should review all proposed new contracts.	6b. Staff Legal Counsel to review all new contracts resulting from a bid prior to SCDD approval.	Staff now have resources (Bid Sync) to find examples of contract language. Staff will also be attending a DGS class entitled "Statement of Work" that focuses on contract language.
6c. Contracts should include provision for audits.	6d. SCDD to revise its contract format to include provision for auditing.	6b. Effective immediately, all newly drafted contracts that were the result of a bid will be reviewed by both Staff Legal Counsel and Interim Executive Director, the latter in lieu of the hiring of a RA/Deputy.
		6c. Effective immediately, all newly developed contracts will include a provision for auditing. Contracts will include a link to STD 213 Exhibit C #37 Examination and Audit
7a. Assign staff to perform duties of contract manager to include monitoring compliance and performance. 7b. SCDD should receive progress reports including final report that details goals achieved or not.	7a. Identify staff to monitor contract/fiscal compliance, programmatic performance and a final approver. Assign substitute staff to cover said functions while staff vacancies exist. Identify source to provide training to staff on elements of grant oversight. 7b. SCDD PDC to receive progress reports at a minimum of semi-annually. PDC to	7a. Effective currently, contract/fiscal compliance is assigned to contract analyst. Programmatic performance review for grants initiated by the Area Boards are assigned to Area Board staff who currently signify approval/disapproval before contract analyst approves invoices for payment. Programmatic review of statewide grants would be assigned to

	include progress report at next SCDD meeting. Accomplished	Planning Specialist, a vacant position. In lieu of the Planning Specialist, existing program staff (CPS II) will take on that function effective May 1, 2013, overseen by the Deputy for Policy and Planning. Final approver would be assigned to Deputy for Administration. While vacant, that duty falls to the Executive Director. UCEDDs will be queried by May 16, 2013 for any recommended sources for grant administration training. Initiated 7b. PDC will receive first quarterly report of grants/contracts at April 23, 2013 meeting. Accomplished
Recommendations	Tasks	Next Steps/Timeline
8a. Contracts need to be reviewed for justification that work cannot be performed by state employees (GC 19130).	8a. Procurement and Contract Handbook (see Recommendation 4) to include provision for review of prospective contracts by Planning Specialist for compliance with GC 19130. Before awarding personal services contract, specialist shall identify any current state staff that may perform duties within the scope of requested services and advise SCDD of contract appropriateness.	90 days following hire of an RA/Deputy. While position is vacant, duty falls to Executive Director.
9a. There need to be written policies and procedures that inform members and staff of their responsibilities. 9b. There need to be signed authorization forms that document approval steps for contracts.	9a. Council members need to be educated as to their fiscal oversight responsibilities. Staff need to review and revise, as necessary, their duty statements and sign a statement that they understand its provisions. 9a and b. Procurement and Contract Handbook needs to include progressive	9a. Interim E.D. and Chair are attempting to arrange governance and fiscal oversight training for SCDD members by November 2013. Completed in May 2013 and July 2013. The Personnel Officer will oversee process of review and revision of duty statements of fiscal and contract staff, to be

	steps and assigned staff for each step of contracting and procuring. Appropriate forms need to be included as Appendices. An approval document should be created that includes the Administrative Committee and full Council regarding all contracts and procurements exceeding \$5,000.00. Contracts under \$5,000 will be reviewed by the Administrative Committee and approved by the Executive Committee.	completed by July 1, 2013. 9b. 120 days following hire of RA/Deputy In process Executive Committee/Council are now approving all contracts effective April 2013
10a. Ensure that fiscal intermediaries are not be used without DOF approval.	10a. All relevant staff shall be educated on this regulation.	10a. The Interim Executive Director shall put this regulation into a written memorandum to be disseminated to all relevant staff by April 30, 2013. Completed Contract staff have completed basic Contract training with DGS effective March 28, 2013.

AGENDA ITEM DETAIL SHEET

ISSUE: Supported Life Institute 3rd Annual Communication and Assistive Technology Training Expo (AT Expo).

BACKGROUND: The mission of the Supported Life Institute is to offer educational and training opportunities to assist individuals and organizations in the work of improving the quality of life for people with disabilities.

At the AT Expo in 2012, 160 people registered. Of these 23 were people with disabilities, many of whom use augmentative and alternative communication to speak. An increase to 32 family members came last year to learn about options for their child, grandchild or other relative.

SCDD was a sponsor for the 2011 and 2012 AT Expos to help keep registration fees down and allow consumers and family members be better able to afford to attend.

ANALYSIS/DISCUSSION: The AT Expo allows individuals to see, try and learn about improved communication options. Communication is the key for a person to advocate for themselves. This one-day conference is designed for individuals with disabilities, family members, speech therapists, educators and support agencies. The AT Expo will provide the following:

- Provides training on basics of Assistive Technology
- Features Augmentative and Alternative Communication (AAC)
- Highlights available products, devices, and software
- Offers hands-on technology demonstrations from key AAC vendors and providers

Supported Life Institute is requesting \$999 for this event which is schedule to take place in Sacramento on November 8, 2013.

COUNCIL STRATEGIC PLAN OBJECTIVE: Individuals with developmental disabilities, their families and their support and/or professional staff will increase their knowledge and skills so as to effectively access needed educational and/or community-based services through at least 225 trainings, conferences, workshops, webinars, and/or resource materials developed by the Council on topics such as rights under IDEA, rights under California's Lanterman Act etc. on an annual basis.

PRIOR COUNCIL ACTIVITY: Since the beginning of FY 2013-14, the Council has awarded \$1,600.00 for sponsorship requests. The Council allocates \$25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2013.

RECOMMENDATION(S): Award \$999.00 to Supported Life Institute for people with developmental disabilities to participate in this event.

ATTACHMENTS(S): 1. Sponsorship request

PREPARED: Kristie Allensworth August 23, 2013



Roberta Newton, Interim Executive Director
Calif. State Council on Developmental Disabilities
1507 – 21st St., Ste 210
Sacramento, CA 95811

Sponsorship Request – 7/12/13 for Event 11/8/13:

The Supported Life Institute is planning our 3rd Annual Communication and Assistive Technology Training Expo (“AT Expo”) to be held at the Lions Gate Hotel in Sacramento on November 8th, 2013. SCDD was a Sponsor for our 2011 and 2012 AT Expos to help keep registration fees down to allow consumers and family members to better able to afford to attend.

This one-day conference

- ~ is designed for individuals with disabilities, families, speech therapists, educators, support agencies
- ~ provides training on basics of Assistive Technology (AT) and opportunities that high, mid and low technologies offer persons with disabilities
- ~ features Augmentative and Alternative Communication (AAC)
- ~ highlights what products, devices, and software are available from product providers themselves
- ~ offers hands-on technology demonstrations from key AAC Vendors/providers of communication devices and other mobility and accessibility services and products.
- ~ offers the opportunity to try out a wide range of devices as part of a “Techsploration” put on by the Supported Life Institute’s Communication Technology Education Center (CTEC)

Freedom of Speech as a Real Right in Practice:

Freedom of speech is an empty promise if you still cannot be understood. Access to communication devices to speak is crucial for many people who have been unable to effectively express themselves with their voice, due to a variety of developmental disabilities, such as cerebral palsy, autism, and others. Continuing demand for such an event in Northern California (some people attend an excellent CSUN event held in Southern CA) spurs us to offer these Communication/Assistive Technology Training Expos.

This event allows individuals to see, try, and learn about improved communication options. Communication is the key for a person to advocate for themselves. Otherwise, control and choice remains in the hands of others who must instead select services and supports for this person. Without effective communication, people often end up with something other than what they want and need, something that may not work for them.

We train self-advocates. We also train family members and professionals about communication options and how to get proper assessments for the person they support to see what will benefit them.



Attendees learn how to secure funding for communication devices or other communication systems. Participants learn and experienced a great deal. They said in evaluations that they learned:

- "that AAC can be used in a variety of ways to enrich life"
 - "communication technology and being patient and listening"
 - "my niece made friends with a member of the AAC Users Panel who had a similar disability"
 - "Updates on different devices and resource information from other participants, too!"
 - "approach and attitude towards people using communication devices - History and current Trends"
 - "to keep an open mind for all the different ways to communicate."
 - "Low-tech, high-tech. All can be used for different situations."
- ...and much more.

Use of SCDD Funding:

We will use the funds to keep the registration fee down for everyone, particularly consumers and families. Sponsorships helped us do that the first two years - part of the reason that the event could draw so many people with disabilities and family members who benefited from this information.

Attendees Last Year:

We were excited that about 160 people registered for the second annual AT Expo on 3/22/12. Of these, 23 were people with disabilities, many or most of whom use augmentative and alternative communication to speak. An increase to 32 family members came this year to learn about options, sometimes with their son or daughter or nephew or niece or grandchild. The 105 remaining were a wide variety of professionals, with about 10 Speech and Language Pathologists from school districts or service agencies (we offered Continuing Education Units – CEUs). There were teachers and Assistive Technology Specialists from both School Districts and County Offices of Education. Many agency staff members came – from direct support staff to directors - from supported living and independent living services, day programs, and group homes.

Outreach:

We send information about the Expo to hundreds of people who have attended one of our events at our CTEC assistive technology center since we started 4 years ago. In addition, we do outreach to thousands of self-advocates and families who have attended the Supported Life Conference or the California Statewide Self-Advocacy Conference over the past few years. We also approach those who attended one of our AAC "Communication Workshops" we held years ago.

Requested Amount: \$999

We hope to bring in about \$2500 in Exhibitor Fees, plus over \$7500 in registration fees. We hope to supplement that with \$5000 in sponsorships. This \$999 from the State Council will supplement the \$4000 we expect we can raise from other agencies, including service agencies such as supported us in 2011 and 2012 and the California Communications Access Foundation technology fund.



We are hoping these will cover our \$15,000 worth of projected expenses for Meeting Room Rental, Meal costs for attendees, Audiovisual Equipment, Speaker Fees and Travel, Printing and Postage costs for outreach, and Staff time to plan and put on the event.

SCDD Past Support:

We requested and received a \$999 sponsorship for our 1st Assistive Technology Expo held 4/28/11 and our 2nd Communication-Technology Training Expo, held last year (3/22/12)

Letter of Support:

Please see enclosed a letter of support from the WarmLine Family Resource Center, a well-respected family self-advocacy agency located here in Sacramento.

Acknowledgement:

We will again be happy to let attendees know that consumer and family participation in the event is made possible in part by funding from the California State Council on Developmental Disabilities. The MC announced that from the stage. Plus please see enclosed a copy of last year's packet piece in which the State Council has Gold Cosponsor billing as a sponsor of the event, along with this wording. Please also find the 2012 brochure listing SCDD as a Gold Cosponsor of the AT Expo.

Thank you for your consideration of our request. We look forward to the possibility of partnering with the State Council on Developmental Disabilities for this important event to continue to meet the educational and training needs for Northern California families and individuals with augmentative or alternative communication needs.

Andy Faletti

Andy Faletti, Project Coordinator
Supported Life Institute
2025 Hurley Way, Ste 105
Sacramento, CA 95825

916-567-1974 x 201
afaletti@supportedlife.org



WarmLine Family Resource Center

2025 Hurley Way #100, Sacramento, CA 95825

916-922-9276/800-660-7995 Fax: 916-922-9341

www.warmlinefrc.org / email: warmline@warmlinefrc.org

Roberta Newton
Calif. State Council on Developmental Disabilities
1507 – 21st St., Ste 210
Sacramento, CA 95811

Dear Ms. Newton,

We are writing to endorse the efforts of the Supported Life Institute to improve consumer and family self-advocacy by increasing education and training in the use of assistive technology and augmentative and alternative communication.

The WarmLine Family Resource Center's mission is to provide information, education and support to promote and strengthen the foundation of families and children with special needs so they can face the challenges of the present and create new dreams for the future. Since 1993 we have provided this support to families in six counties (Sacramento, Placer, Yolo, Nevada, EL Dorado and Alpine).

We are pleased to hear that SLI is planning a 3rd Annual Assistive Technology Expo & Training. We support the Supported Life Institute's efforts to find the funding to put on this event again.

In attending this extraordinary event last year, we found that families gained a better understanding of the benefits of assistive technology and learned strategies to incorporate it's use in their child's development and daily life. Parents also commented that they felt more confident in their decision-making abilities and were better able to advocate for their child's assistive technology needs.

Further, my daughter uses a communication device and this event provided me with a new vision of independence for my child. The impact of this realization cannot be underscored enough, this is a vision that all parents share.

We recommend that you support these efforts to make self-advocacy and communication become realities for consumers and parents who try so hard to find the information needed to be effective parent advocates.

Sincerely,

Kelly Young
Executive Director
WarmLine Family Resource Center



Communication-Technology Training Expo 2012

Thursday March 22, 2012

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PLATINUM Cosponsors

Area Board 3

CVS / Caremark

Calif. Communications Access Foundation

GOLD Cosponsors

Calif. State Council on Developmental Disabilities

[who helped make consumer and family participation possible]

PRIDE Industries

SILVER Cosponsors

InAlliance

Ray Morgan Company

UCP of Sacramento & Northern California

BRONZE Cosponsors

Cal-TASH

Easter Seals Superior California

Progressive Employment Concepts

CTEC (Communication Technology Education Center)

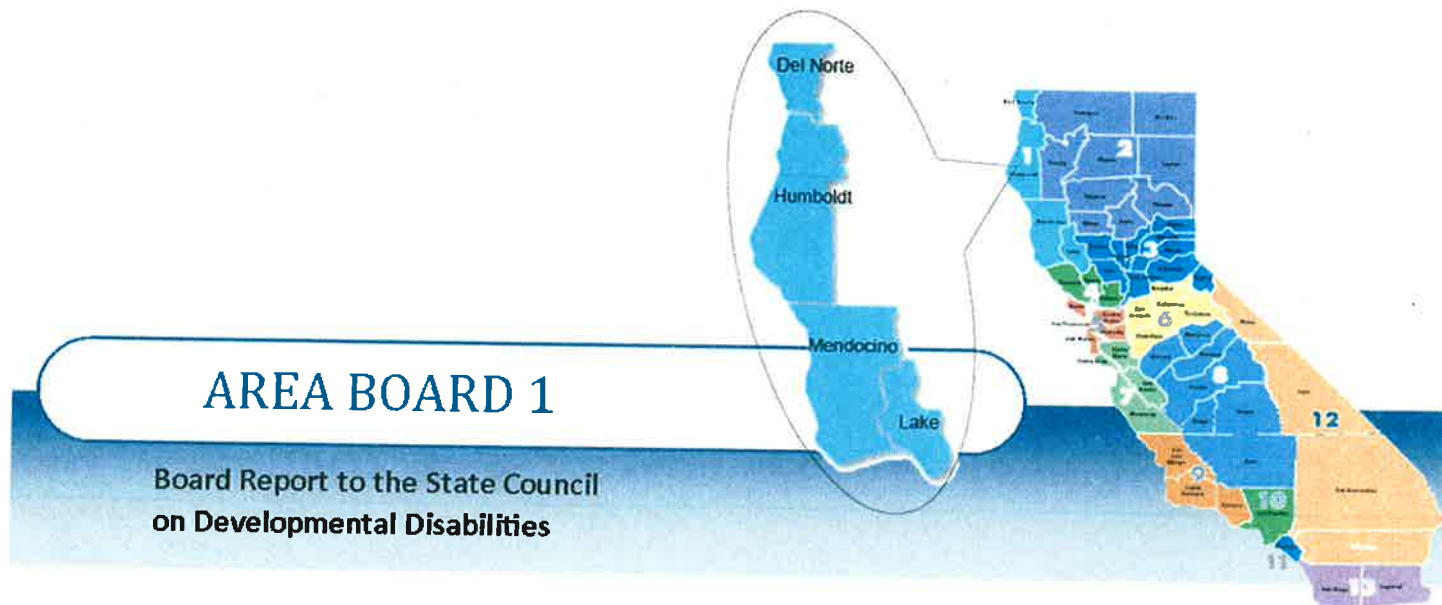
~ a program of Supported Life Institute ~

and

Supported Life Institute
Conferences and Events

Thanks each of you for your generosity!

THANK YOU



Reporting Period: July – August 2013

Date: 8-30-2013

Highlights

-Self Determination Project Participant and Area Board 1 Board Member, Willie West, educated legislators and the public regarding his experience in the Self-Determination Program; he spoke eloquently, advocating for those who would like to have the opportunity to choose self-determination services. Testimony transcript below:

My name is Willy West and I am from Mendocino County, located about two hours north of San Francisco on Highway 101; I also volunteer as a member of Area Board One.

I have been in the self -determination program since the year 1999 or so. I came to speak about the program's successes as one of the 140 individuals enrolled.

I was lucky enough to be chosen as one of the individuals for the pilot program, I'm thankful I enrolled; it provided me with the services and supports necessary to move away from home, and ultimately out of my parents' house.

Self-determination has provided many supports to afford me this opportunity, such as: equipment, care options, and transit passes; transit passes ensure I am able to live my own life, and help me achieve personal satisfaction. I am thankful

I was enrolled at such a young age; it has changed my life; and I wish others could have the opportunities that I have had.

As I said a few years ago; "Self-determination gives you control of your services. The regional center still looks over you. But it puts you in control."

"Self-determination helped me to grow up and live out on my own, manage my services and lead a full life. I feel bad, that I have self-determination and others can't get it. I support SB 468, because it will give others that choice."

Thank you for your time, respectfully,
Willy West

-The Area Board voted to forward to the Council for approval a grant application which is designed to address agency and individual emergency preparedness throughout Del Norte, Humboldt, Lake and Mendocino Counties.

State Plan Activities Implemented During this Reporting Period

Goal 2 - Participated in the "One Day Regional Power Summit" with Guest Speaker Ted Jackson. 36 people within the community came together to learn about community organizing skills, and how to put those skills to use to change local issues. People involved were individuals with disabilities, care providers, family members and community members.

Goal 3 - As of August 27, 2013, the Area Board has received 143 replies from Redwood Coast Regional Center clients, 364 replies from North Bay Regional Center. The interviewers have completed 13 of the required 13 face to face interviews of the "Movers" from both Redwood Coast and North Bay Regional Centers.

Goal 7 – Goal 14 - In preparation for September 9th, which is Fetal Alcohol Spectrum Disorder (FASD) Awareness Day, the Area Board, as part of the Partnership for Healthy Babies, has issued press releases to local papers and disseminated material to educate the public regarding the issue of Fetal Alcohol Spectrum Disorders (FASDs). In addition, the local radio station community interview/call-in program, "Women's Voices" will feature representatives from the Area Board and Public Health who will discuss the importance of prevention and answer questions from the public about fetal alcohol spectrum disorders.

Goal 12 – Staff continues to monitor the progress of the low income housing project being developed; it is hoped that there will be 32 new affordable housing units available within a year.

Issues or Concerns for State Council Consideration

The issue of limited and/or denial of respite hours.



AREA BOARD 2

Board Report to the State Council on Developmental Disabilities

Reporting Period: July-August 2013

Date: August 30, 2013

Highlights

Area Board 2 (AB2) had a productive meeting August 8-9, 2013 in Redding. AB2 members reviewed the complete grant proposals (2 only received from community). AB2 members scored and selected AMJaMB, Beyond Inclusion "The Call Connection" for Program Development Grant Cycle 36. "The Call Connection" will employ 3 consumers to make regularly scheduled phone calls to check on the welfare of up to 100 (to start) consumers living in Butte County (including rural areas) with medical issues, are aging, or vulnerable for any reason, and are at home alone for lengths of time. AB2 is hopeful that Council's PDC will approve their recommendation on September 18, 2013!

Mark Polit, SCDD Deputy Director of Policy and Planning joined AB2's meeting and provided a report on his position - role and responsibilities, as well as discussed 2 important legislative bills: AB 1041 – Employment First Policy and AB 468 – The Statewide Self-Determination Program. AB2 members appreciated Mark's participation and valuable information he shared. Mark also participated in the birthday celebration for our Chairperson – Rosie Ryan!

State Plan Activities Implemented During this Reporting Period

Goal #2 Right Training and Advocacy – Area of Emphasis: Community Supports and Education/Early Intervention

Individual Education Advocacy

AB2 provided education advocacy for 3 students during this reporting period. Issues include access for physical therapy services during school day (1st grader); adjustments in behavior support plan for new school setting (8th grader on high school campus for program); coordination of district funded non-public school and residential placement for minor with mental health needs (9th grader).

Individual Community Supports Advocacy

AB2 provided community supports advocacy for 7 consumers during this reporting period. Issues include assistance to a consumer whose mental health needs were denied service from Butte County

Behavioral Health. The consumer sought support in collaboration from her service provider, Office of Clients Rights Advocacy and AB2 to attain needed mental and behavioral services from the county resource; family requesting safety fence for minor living at home; Far Northern Regional Center eligibility; community based social therapy; In-Home Supportive Services; SSI and housing; and representative payee issues.

Training on Community Supports:

The goal of Far Northern Regional Center's Wellness Initiative is to increase awareness and education regarding health and wellness for consumers, service providers and direct care staff. AB2 participates in the bi-monthly Far Northern Regional Center Wellness Committee. The Wellness Committee is comprised of FNRC service coordinators, consumers, Area Board II staff and service providers. The Wellness Committee met on June 28, 2013 to develop a strategic plan addressing the health and wellness of consumers in Region 2. Following the outcomes of the National Core Indicators, the global health and wellness of consumers in Region 2 is recognized to fall below national averages. Significantly high percentages of consumers in Region 2 are diagnosed with chronic health issues such as obesity, diabetes and high blood pressure throughout Region 2.

The strategic plan was developed for 2013-2014. Sub-committees were formed that would address specific goals identified in the strategic plan. Sub-committees were identified as follows:

- (1) Sub-Committee on identifying what types of health and wellness activities and opportunities are currently available to consumers through the efforts of service providers. Area Board II staff will chair this sub-committee.
- (2) Sub-Committee on communication. This sub-committee will focus on how information will be provided to consumers, service providers and direct care staff on the Wellness Initiative, as well as information on health and wellness in general.
- (3) Sub-Committee on wellness teams. This sub-committee will develop a model for future wellness teams. The model wellness team will consist of consumers, service providers and direct care staff. The consumers on the wellness team will provide peer education for consumers throughout Region 2.
- (4) Sub-Committee on future Wellness Fairs. This sub-committee will develop 2 future wellness fairs using information and data collected from the 2 wellness fairs that were held in June 2013.
- (5) Sub-Committee on conference planning. This sub-committee will focus on developing a conference for service providers to gain education and information on the Wellness Initiative as well as ways in which health and wellness can be incorporated into their current programs. This sub-committee will be chaired by Area Board II staff.

Crossing Training, Outreach and Collaboration:

AB2 provided training to 5 staff at Rowell Family Empowerment of Northern California (RFENC) on July 3, 2013. The training included the history and evolution of developmental disabilities system in California, information about California's State Council on Developmental Disabilities and Area Boards; mandates, function, purpose, and role.

AB2 provided training to 9 staff at Independent Living Services of Northern California (ILSNC) on July 23, 2013 on the role of the California State Council and the local Area Boards and how our agency fits into the Developmental Disability service system. AB2 also provided training on the implementation of Medi-Cal managed care and the role AB2 has in monitoring the Health Services in accordance to

Goal #10, Individuals with developmental disabilities understand their options regarding health services and have access to a full range of coordinated health, dental and mental health services in their community.

AB2 participated in a community resource fair that celebrated the 30 year anniversary of the Red Bluff Community/Senior Center on August 2, 2013. Over 30 non-profit agencies were represented with information and resources for community services ranging from the fire department, sheriff department, nutritional programs, political parties, and social service agencies. AB2 staff met with Senator Jim Nielsen, who serves Butte, Glenn, Modoc, Shasta, Siskiyou and Tehama Counties. There are currently 6,091 consumers served in these districts. AB2 staff discussed developmental disability service system and role of SCDD/AB2 in California. Approximately 140 people from the community attended.

Goal #5 Emergency Preparedness – Area of Emphasis: Quality Assurance

AB2 facilitated Feeling Safe, Being Safe training presented by DDS' CAC member to 20 consumers and 5 staff at Mains'l Services - Innovations Program on July 30, 2013. Feeling Safe, Being Safe was developed by the DDS Consumer Advisory Committee as a tool to help people with developmental disabilities and families become better prepared in the event of an emergency.

Goal #6 Adult Transition – Area of Emphasis: Education

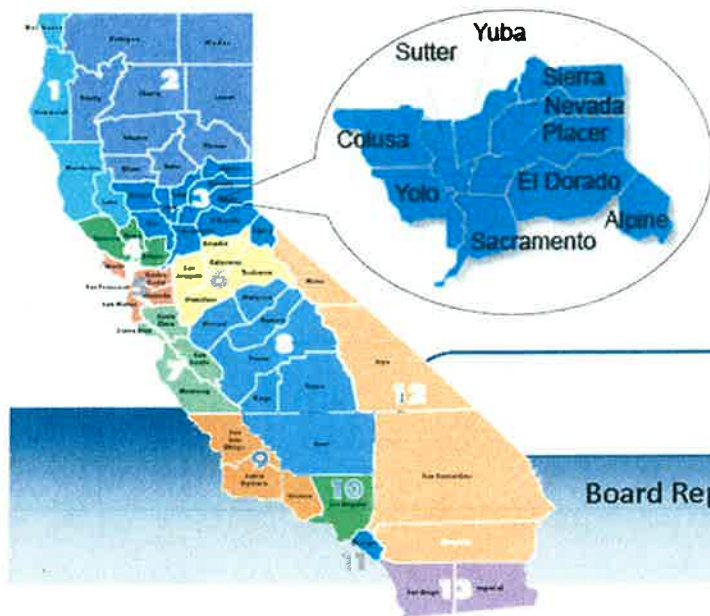
AB2 participating in collaborative transition planning for 17 year old female who currently resides with family. The first meeting started on July 2, 2013 and included education about available services in the community after high school. AB2 will be facilitating information and resources to assist family in visiting programs and learning about adult services over the next year.

Goal #10 Health Services– Area of Emphasis: Health

AB2 coordinated a community training in collaboration with Far Northern Regional Center on August 6, 2013 on the implementation of Medi-Cal managed care with Partnership HealthPlan of California (September 1, 2013 Implementation for 5 of the 9 northern counties of region 2) and the role AB2 has in monitoring the Health Services in accordance to Goal #10, Individuals with developmental disabilities understand their options regarding health services and have access to a full range of coordinated health, dental and mental health services in their community: 100+ attended.

Issues or Concerns for State Council Consideration

Implementation of Medi-Cal Managed Care



AREA BOARD 3

Board Report to the State Council on Developmental Disabilities

Reporting Period: July/August 2013

Date: September 2013

Highlights

The Area Board continues its advocacy efforts in assisting families facing the Department of Developmental Services Parental Fee for out-of-home placement. According to the Department there are 650 families who have been charged a fee for residential services when their minor children are living in out-of-home placement. On August 18, 2013 the Sacramento Bee published an extensive article regarding this issue. Families in both Area Board 3 and 6 were interviewed.

Critical to the Council, is the fact that despite the Department of Developmental Services responsibility to develop a sliding scale of fee's based on a number of factors, it is the Council that must approve it. The Area Board believes there are a number of factors, including policy decisions which must be discussed and that potentially impact the intent of the Lanterman Act when making such decisions. The Area Board request this matter have time allocated in a future Council meeting.

State Plan Activities Implemented During this Reporting Period

State Plan Goal # 1: The Area Board will provide a local school district's CAC with **9** two hour training sessions on rights and responsibilities for parents and **1** four hour session for staff on collaboration/communication in working with advocates and parents.

State Plan Goal # 2: The Area Board conducted **57 meetings** with families providing information related to special education and regional center matters.

State Plan Goal # 6: The Area Board is launching a **You Tube Channel** that will initially present short videos on Special Education information from Assessments to Services and Supports.

State Plan Goal # 13: In collaboration with Sacramento Children's Home, the Area Board provided **40 staff members** with a **3 hour** role playing exercise in advocacy strategies-working with school districts. Sacramento Children's Home provides not only direct advocacy, but also various community supports to foster youth and foster families.

Issues or Concerns for State Council Consideration

Please see our Highlights section above. Beyond the specific issue raised in that section, the Area Board remains concerned about the issue of entitlement and the future of the Lanterman Act, including the continuing role of the regional center as it relates to supports provided to families as well as the impact of the increased use of “generic” services.



Reporting Period: July-August 2013

Date: 9/1/13

Highlights

- ~Coordinated a Regional Self Advocacy Meeting with a focus on employment. Supported 3 presenters to talk about their job, micro enterprise, and tailored day services. 60 people attended.
- ~Organizing next Regional Self Advocacy Meeting and working with Assemblymember Yamada's staff
- ~Supporting individuals to explore and obtain services to support individualized competitive employment and start their own businesses. Networking with service providers in other areas

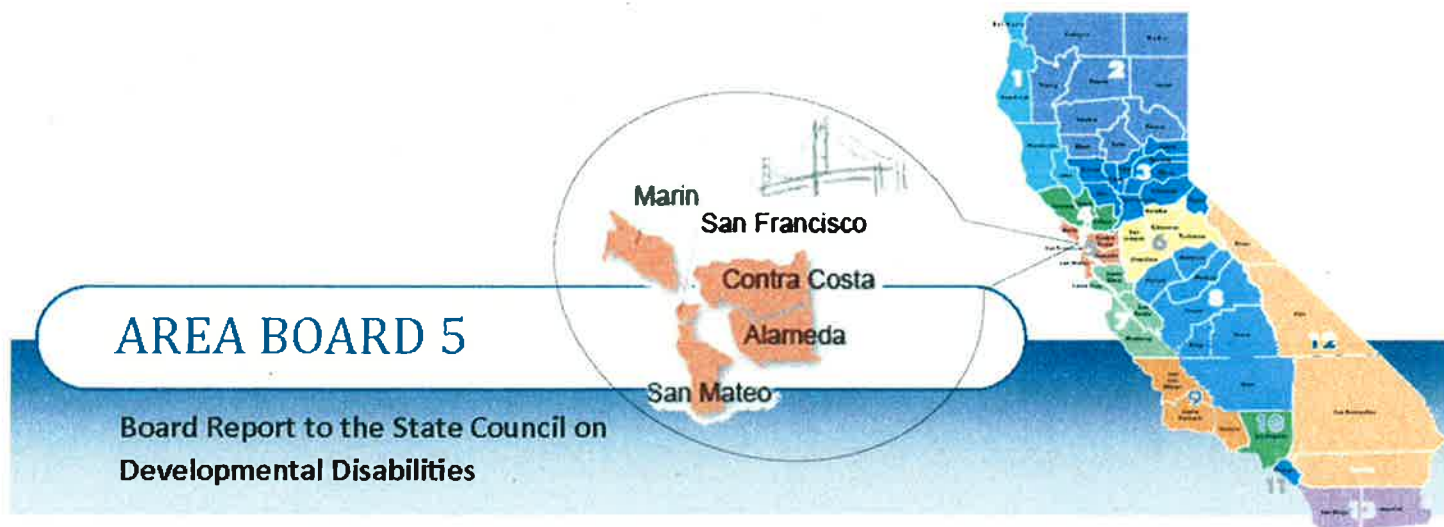
State Plan Activities Implemented During this Reporting Period

- 1c – Conducted 4 trainings with a total of 120 self advocates on employment, advocacy, empowerment, supported living. Compiled and distributed regional self advocacy newsletter with articles on self-determination, leadership, internship.
- 1 – Presentation to Vendor Advisory Committee to NBRC on self-determination legislation, AB 468; widely distributed information on a webinar on self-determination.
- 1e – Facilitated 4 self advocates to provide trainings on employment and empowerment
- 2a – Provided individual advocacy on living arrangements, independent living support, family support, rights violations, regional center eligibility, suspected abuse, behavior services, speech therapy, school nursing, school placement, school bullying, inclusion, special education eligibility, school transportation
- 3b – Coordinated and consulted with service providers in other areas of the state to bring individual competitive employment service options and micro enterprise support options to Area Board 4's region.
- 5 – Participation in Napa/Solano Service Provider meeting in discussion on how service provider agencies can plan and improve their preparedness and that of their clients in the event of a disaster or emergency.
- 8 – Disseminated information on Employment First policy and AB 1041.
- 9a – Arranged presentation for school transition teachers and adult service providers on flexible options for increasing employment.

- 10 – Participation on Napa Disability Committee planning how to influence Live Healthy Napa County to include health care for persons with disabilities in their list of priorities.
- 10 – Participation on North Coast Autism Regional Taskforce (NCART) Health Committee that focused discussion on and included a presentation on how to reduce admittance for acute psychiatric care for persons with developmental disabilities.
- 14b – Contact with legislative staff about self advocacy.
- 14c – Area Board 4’s Facebook page provided information about school inclusion, planned transition out of families’ homes, self advocacy, employment, mentoring, volunteering, internships, and college.
- 15 – AB 4 Report at July, 2013 NBRC Board meeting pointed out POS service and utilization differences between ethnic groups in NBRC's POS Demographic Report.
- 15a – Special education rights translated into Spanish distributed to families.

Issues or Concerns for State Council Consideration

1. Impact of changes in DSM-5 diagnostic criteria for autism on regional center eligibility determinations.
2. Effectiveness of College 2 Career programs in supporting individuals to get good jobs.



Reporting Period: July-August 2013

Date: 09/03/13

Highlights

- Congreso Familiar conference for Spanish-speaking families
- Cycle 35 CALICO grant (Child Abuse Listening, Interviewing and Coordination Center)
- Cycle 36 grant proposal to promote affordable housing for people with developmental disabilities
- Annual Golden Gate Self-Advocacy Conference: *How Person Centered Thinking Can Change Your Life*
- New Executive Director Gabriel Rogin officially begins his position on October 1st

State Plan Activities Implemented During this Reporting Period

The annual conference of Congreso Familiar for Spanish-speaking families was held on August 10 at Chabot College in Hayward. On the day of the conference, there was a near record-breaking attendance of 993 people, including 639 adults and 354 children. There was a joint meeting of the AB5 Grant Selection and Executive Committees on August 19th, and a mini-grant proposal from the Housing Consortium of the East Bay -- to influence the Housing Elements of local jurisdictions to include affordable housing for people with developmental disabilities -- was recommended to the State Council Program Development Committee for funding approval. Our mini-grant recipient for this year, CALICO (Child Abuse Listening, Interviewing and Coordination Center), will host its 16th Annual Collaborative Training, "A Multi-Disciplinary Approach to Supporting Victims with Disabilities," on September 24 at the Marina Community Center in San Leandro. Several Board members, as well as staff, will participate among the 200 people -- mostly from the local law enforcement community -- who are expected. Staff continued planning for the 17th annual Golden Gate Self-Advocacy Conference, to be held this year on September 25. The conference, *How Person Centered Thinking Can Change Your Life*, will be held at the Milton Marks Conference Center in San Francisco. We are expecting up to 300 people to be in attendance. We continue to support the six local chapters of Bay Area People First as well as a representative to People First of California and the Statewide Self-Advocacy Network. With facilitation from staff, our Representative, Regina Woodliff, conducted outreach visits to the Mid-Peninsula and the Marin County chapters of People First. Another of our local self-advocates, Sara Desumala, has been appointed to the DDS Consumer Advisory Committee. We continued our participation in the East Bay DD Legislative Coalition, where we have reviewed, taken positions, and disseminated information on more than 50 bills. Individual advocacy services were provided to 16 individuals and their families. Because of the looming possibility of a BART strike, we have changed the date for the annual Celebration of Self-Advocacy, which will now be held on October 2nd at the Ed Roberts Campus in Berkeley. Gabriel Rogin, the new Executive Director for Area Board 5, officially begins his position on October 1st and is expected at the gala event, making his debut in this capacity in the Bay Area DD community.



AREA BOARD 6

Board Report to the State Council on Developmental Disabilities

Reporting Period: July/August

Date: August 30, 2013

Highlights

BOARD NEWS-

- Karen Andersen- retired director from SJ Delta College Disabled Services- was appointed by the SJ Board of Supervisors to AB6.
- Brad Putz- AB6 Board chairperson received the Valley Mountain Regional Center's *Communitas* Award for outstanding leadership in the self-advocacy movement.

Goal QA .01.3- Provided technical support, outreach and rights training to 250+ self-advocates at the Self-Advocacy Council 6 Area Meeting in Jamestown (Tuolumne County). This was the first area meeting of self-advocates in the foothills. Collaborators were the SAC6, Disability Rights CA, Independent Living Center (DRAIL), and Valley Mountain Regional Center.

Goal EM. 09.2- Provided information and education regarding people with developmental disabilities about a new Dial-a-ride transportation application and how it would affect people. The new application is only available on line which could be a hardship for people.

Goal ED.02.1- Area Board 6 recommended to SCDD to fund a grant project for Cycle 36.

State Plan Activities Implemented During this Reporting Period

Goal HO.11.2- Provided facilitation for the collaborative Residential Task Force meeting. This Task Force is working on ways to increase residential care for individuals (children and adults) with behavior issues. Also to better coordinate a person moving from a family home or from another group home to another group home. The Task Force will consist of parents, consumers, VMRC staff, Family Resource Network, Disability Rights CA and Area Board 6.

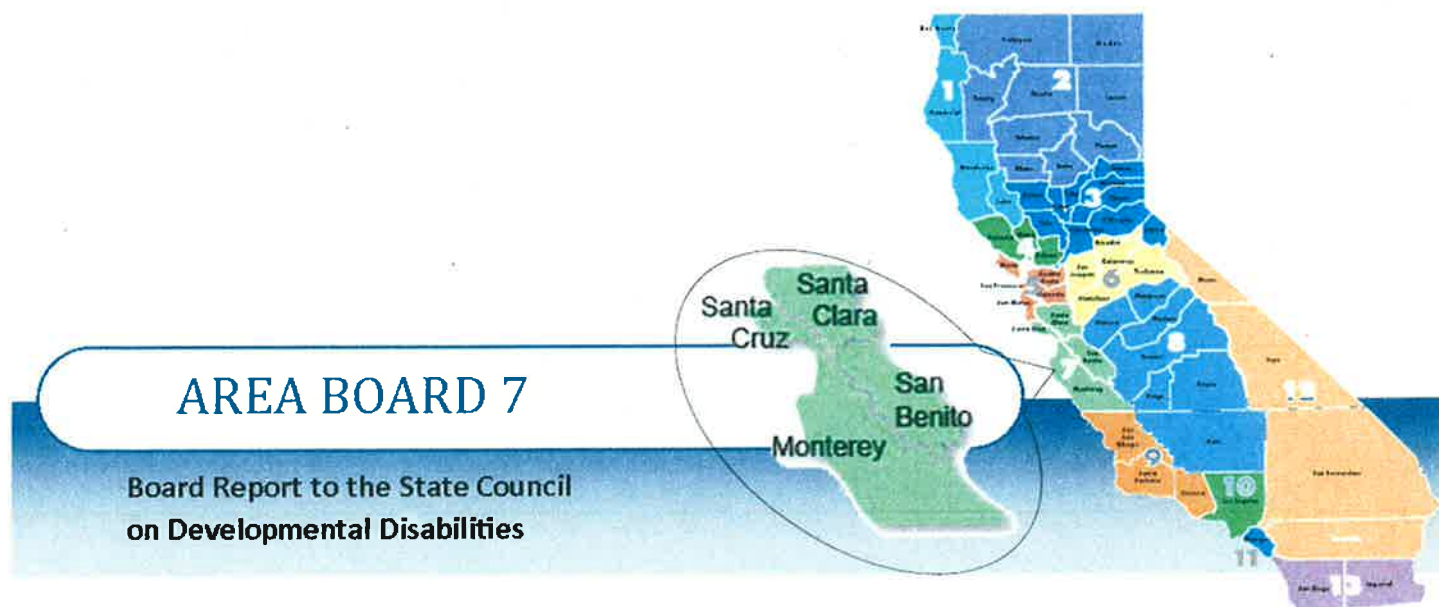
Goal CS.02.01- Provided assistance at 13 IPP meetings and provided IPP information to 7 individuals over the phone.

Goal ED.02.1- Provided IEP support to 5 individuals and families and had 7 phone consultations.

Goal ED.06.1- Provided support and facilitation to a group on improving transitional opportunities and process in Stanislaus County. Participants included VMRC, Dept. of Rehabilitation and representatives from education and service providers.

Issues or Concerns for State Council Consideration

- Continued concern regarding the fair and equitable implementation of the DDS Parent Fee program as stated in our last report to SCDD.



Reporting Period: July and August 2013 Date: 8/29/13

Highlights

- Attended Transition Consortium Meetings.
- Attended Service Provider's Advisory Committee (SPAC) Meetings
- Attended Gathering of Extraordinary People.
- Met with five area providers
- Attended AB7 Board Meetings
- Attended SARC Board Meetings
-
- SSAN
 - Recruited SSAN member to help coordinate SSAN members and committee.
 - Co-Facilitated an Advocacy Training to 20 Bridge School Alumni and 25 staff at Via West Camp with SSAN member.
 - SSAN planning meeting to convene and plan for Committee meeting in September.
 - Assisted SSAN volunteer in coordinating the meetings.
- Quality Management
 - NCI
 - Child / Family Surveys for both Area Board 7 and 9.
 - 400/400 Surveys received for AB7. Goal Achieved
 - 414/400 Surveys received for AB9. Goal Achieved.
 - Adult Surveys
 - 40/39 surveys completed for AB7. Goal Achieved.
 - 17/17 surveys completed for AB9. Goal Achieved.
 - Completion of this round of surveys marks the end of the NCI project at AB7. The project will resume in September. AB5 will take over the coordination of the project in our region. AB7 will work with AB5 to assure smooth transition and operations of project. The Quality Assurance Coordinator will not be replaced at AB7.

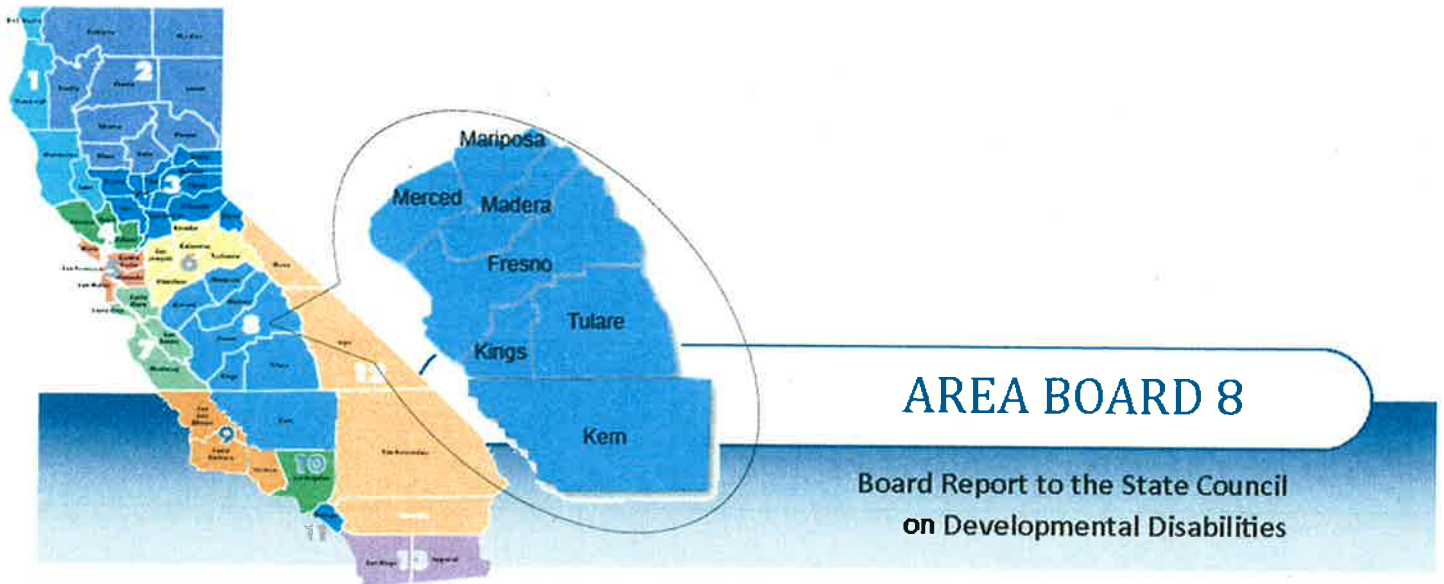
- **Board & Board Development**
 - Tom Smith of Santa Cruz and Martha Johanson of Santa Clara have been appointed by the Governor to AB7. Filling seats 10 and 11 of the board.
 - One application is on file at Santa Clara Board of Supervisor for the seat that remains open. Ongoing advocacy to encourage and support an appointment as quickly as possible with a request to meet with appointing Supervisor. So far no appointment scheduled.
 - Assisted individual with application to Governor for Board appointment for remaining seat.
 - Assisted individual with follow-up of application sent to Monterey Board of Supervisors.
- **Cycle 36 RFP**
 - Three proposals received. Proposals forwarded to Grant Committee for review and evaluation.
 - Cycle 36 Grant Committee convened to review and recommend three applications.
 - Recommendation of Committee went to SCDD without action of full board due to lack of quorum at board meeting.
- **Advocacy**
 - 11 Individual/ Families received Advocacy
 - Support requested includes:
 - Supported Living
 - Authorized Representation Information
 - SARC service delivery
 - IHSS
 - Transportation
 - Dental
 - SSA Benefits
 - Potential financial abuse (mandated report filed)
 - Supported employment
 - Residential
 - Medical equipment
 - Attended 1 IDT meeting.

State Plan Activities Implemented During this Reporting Period

- **Goal 1**
 - 3 Self Advocates organize SSAN meeting.
- **Goal 2**
- **Advocacy:** Provided direct advocacy for 5 individuals and families.
- **Attended 1 IDT meeting.**
- **Attended 1 Service Provider Committee meeting**
- **Goal 3**
 - 850 Child / Family surveys returned.
 - 800/800 Child Family surveys entered into data base
 - 57/49 Adult Surveys completed.
 - Completed this cycle of the NCI Project.
- **Goal 4 & 5**
 - Selected applicant to award Cycle 36 grant
- **Goal 6:**
 - Transition Consortium: Attended 1 planning meeting.
- **Goal 10**
- **Advised individual on dental health care**

Issues or Concerns for State Council Consideration

- Processing of board member applications at the county level.
- Ongoing residential concerns at all levels: individuals, providers, and families. Complexity of system, lack of housing, minimum wage issues in San Jose and slow rate of reimbursement from DDS, cut in IHSS hours, quality of care.



Reporting Period: July-August 2013 Date: August 27, 2013

Highlights

The Area VIII Board is pleased to announce our affiliation with Resources for Independence Central Valley's 4th Annual Self Advocacy Conference being held on November 15th, 2013. Joseph Bowling has been asked to present at one of the breakout sessions and has agreed to do so. They are anticipating over 500 attendees including local agencies from several surrounding counties as well as educators and students from several local High Schools and districts as well as local Collages. This year with the partnership of Central Valley Regional center and assistance with funding RICV has been able to open registration and attendance to other Regional Center clients who in the past did not fit the Transition Age requirement.

Conducted Monthly IEP Clinic with Family Resource Center in Kern County.

An Executive Committee Meeting was held on August 6th, 2013 with Board Members to review and score the three RFP's we received for the Grant Cycle 36. We received proposals from the following three agencies:

- 1) Kern Assistive Technology Center, Bakersfield
- 2) Exceptional Family Center, Bakersfield
- 3) Deaf and Hard of Hearing Services Center Inc, Central Valley

As always we are in an ongoing search for new Board Members to fill vacancies. No new members have been appointed since our last report.

Individual Advocacy:

24 Individual/Families received Advocacy Support

Of the 24 approximately 22 were for Special Education support including:

- Least Restrictive Environment – Placement
- Behavioral Supports
- Assistive Technology
- Communication
- IEP Compliance Issues
- Transition
- Manifestation/Expulsion
- Assessment Issues

Of the 24 approximately 2 were Regional Center Individual/Family's needs including:

- Eligibility
- Appeal Process/Fair Hearing
- ABA Services
- In Home Respite Hours

Attended 5 IEP meetings to support individual/families.

Attended State Council Meeting in Berkeley.

State Plan Activities Implemented During this Reporting Period

Goal 1:

Continued Support of our local SSAN Advocate

Goal 2:

- 24 Individual/Family Advocacy
- Rights Training – 1 Presentation to 9 participants

Goal 6:

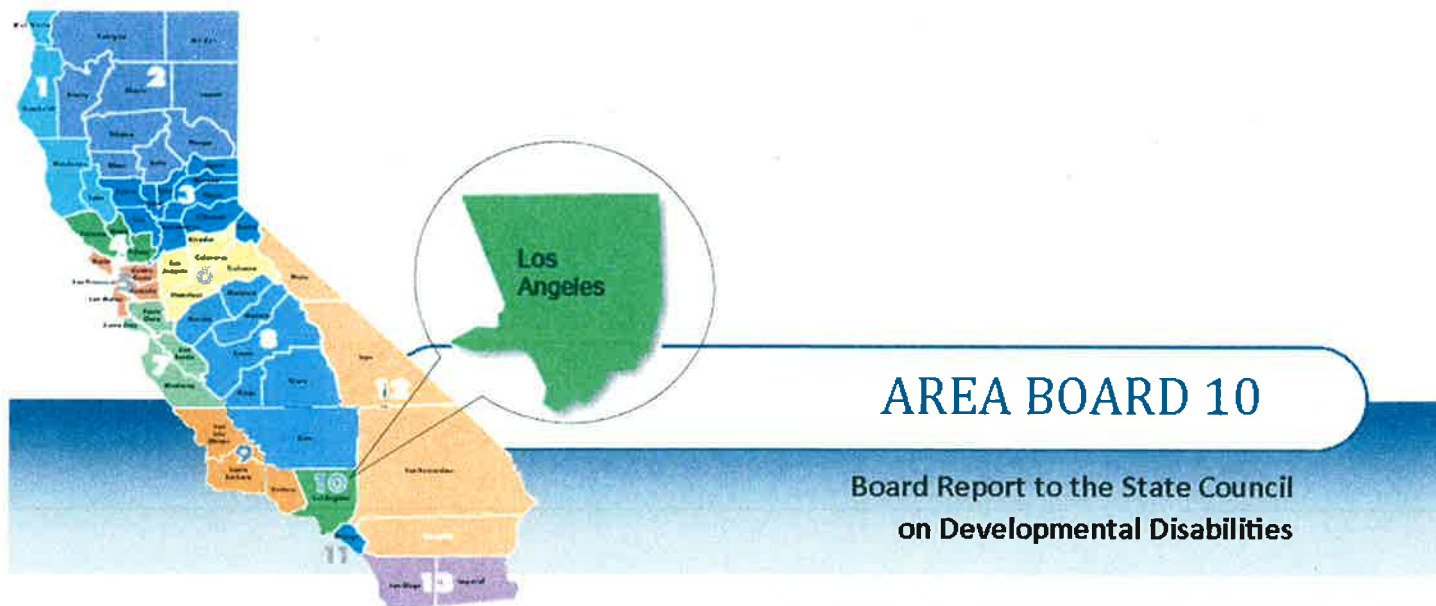
Individual support preparing students transitioning from school to employment

Goal 7:

Presentation to local family agency to help young families needing information to navigate the service system

Issues or Concerns for State Council Consideration

Parents concern and confusion regarding co-pays for insurance funded autism treatment.



Reporting Period: July – August 2013

Date: 9/3/13

Highlights

Completed a new booklet, “Enough Is Enough! Anti-Bullying Strategies for Students with Developmental Disabilities, Their Families, and Schools”. Will distribute and promote next reporting period.

Promoted and coordinated in English and Spanish a seminar scheduled for September about relationships and sexuality. Have taken over 70 reservations, an unprecedented number of advance sign-ups.

Distributed our three newsletters and two AB 10 action alerts to almost 1000 people each.

Promoted the Volunteer Driver Programs training we sponsored in April in two teleconferences with the Disability Organizing Network of the California Foundation for Independent Living Centers, over 30 systems change advocates with the independent living centers in southern California.

Monitored implementation of the AB 10 mini grant provided to Get Safe, which included trainings for 25 Los Angeles Deputy District Attorneys and over 50 first responders (paramedics, ER nurses, fire department staff, etc).

State Plan Activities Implemented During this Reporting Period

Provided individual advocacy and technical assistance to 54 people regarding access to needed community supports, three of whom were Spanish speaking, two of whom we assisted with their fair hearings, and one of whom were provided direct advocacy assistance at an IEP meeting. Also assisted 29 families regarding the provision of appropriate educational services for their child with special needs, 3 of whom were Spanish speaking, and one of whom were provided direct advocacy assistance at an IEP meeting.

Provided three presentations in Spanish and English to 75 parents on IEP strategy and understanding special education evaluations to get needed services.

Took positions on AB 1089 and HR 777 and provided comments on proposed federal regulations regarding the long term care ombudsman program.

Continued to support local self-advocacy efforts by facilitating the Self-Advocacy Board of L.A. County's (SABLAC) monthly meetings and participating in the Statewide Self-Advocacy Network's meetings.

Urged two local regional centers to support SB 468 (Emmerson and Beall, Self Determination) which they subsequently did.

Reviewed and commented on our county paratransit service's second and third drafts of "Volunteer Driver Programs for People with Developmental Disabilities" which identifies barriers and solutions for starting such programs. Sent it to the L.A. county regional center transportation group for their review and comments; shared document with So Cal Volunteer Driver Coalition to use as a training resource.

Participated in Paratransit Riders Coalition meeting, requested data to determine next steps related to lengthy shared rides.

Responded to five requests for appointment of an authorized representative.

Participated in two meetings of the electroconvulsive therapy (ECT) panel.

Issues or Concerns for State Council Consideration

The Area Board continues to be concerned that it has had no representation on the Council for two years. There are also concerns regarding SB 946 implementation and the increasing number and amount of fees being levied against families from multiple systems and agencies.



AREA BOARD 11

Board Report to the State Council on Developmental Disabilities

Reporting Period: July/August 2013

Date: 3 September 2013

Highlights

ABXI is happy to report that this month, the Governor appointed one of the Board's former supervisorial appointees to her first term as a Governor's appointee. In addition, a long-time local professional/powerful self-advocate has submitted her application for a Governor's appointment to the Board and if successful, ABXI would once again have the statutory number of Governor's appointees. Still lacking supervisorial appointees, we continue to monitor and work with county staff re the most recent applications for appointment, which have currently taken a back seat to the federal investigation of Orange County's Board of Supervisors.

State Plan Activities Implemented During this Reporting Period

A. Advocacy

During this reporting period, ABXI staff assisted 86 ongoing and new clients with issues involving access to community supports/services; special education services; living options; employment; and health care concerns. Of these cases, 23 are SSI/SSA matters and 30 are regional center eligibility/services issues. Fourteen of the consumers and families are monolingual Spanish-speakers.

1. Community Services: ABXI assisted 56 adults and/or families with community services issues, including access to regional center; SSA; and IHSS eligibility and/or services. During this reporting period, ABXI assisted a young community college student in his 20s to obtain RCOC eligibility.

2. Special Education, Employment, & Health: ABXI assisted 27 consumers/families with educational issues; employment matters; and health care access during this reporting period.

B. Trainings, Outreach, and Community Meetings

1. Trainings: During this reporting period, ABXI hosted a futures planning workshop and presented two workshops on Social Security disability benefits for a total of 116 family members.

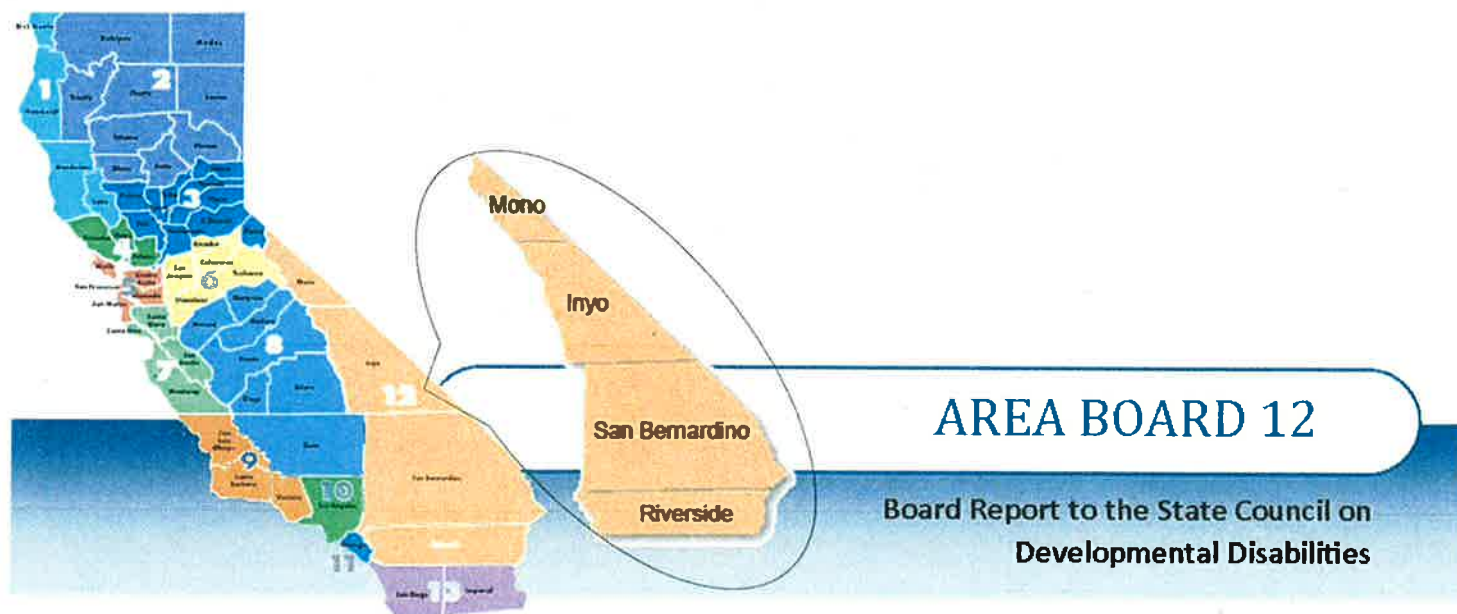
2. Community meetings/Outreach:

During this reporting period:

- ABXI's self-advocacy group - SAOC (Self-Advocates of Orange County) continued to brainstorm ideas for community outreach projects designed to heighten community awareness of the group and give back to that same community. In August, the group voted to meet for a social outing to share and show off their bowling skills.
- ABXI's bilingual staff is an active member of the planning committee for the November Orange County Fiesta Educativa Conference and will be one of this year's presenters.
- ABXI's Health Care Task Force met with CalOptima's new CMO and the Medical Director of Behavioral Medicine. Among the topics addressed at this meeting were the difficulty of finding placement for consumers with HIV and AIDS and the monitoring of the possible closure of a pediatric subacute facility whose patients' families currently do not want, or have no other, local options.
- ABXI is working again with UCI's School of Medicine's PALS Program to help pair children with developmental disabilities with medical student "pals", who meet on a regular basis with the child over a 2-year period for various activities and outings. The students participate in relevant classes, such as child development and family dynamics, as well as ABXI trainings, and have the opportunity to see the healthcare system from the viewpoint of the patient and family. Current and past participants have reported great satisfaction with the child/med student relationships and many continue to keep in touch years after their involvement in the project.
- ABXI continues to work with its community partners on the specifics of the next Disability Rights Workshop, "Come One, Come All!", a day-long event focusing on inclusion.
- ABXI staff and a representative from UCI's Department of Family Medicine met to explore the possibilities of developing of a program similar to UCI's Gerontology Medical Student-Senior Partnership Program that would address the medical needs of transition-aged consumers and eventually function as a medical home.
- ABXI is an active member of RCOC's NCI Advisory Council and its Health & Self-Advocacy committees, both of which met during this reporting period.
- Among ABXI's recent emails to its list of 1300+ consumers, families, and professionals was the action alert re: SB 468. Recipients reported forwarding the email, in turn, to several hundred of their contacts.

Issues or Concerns for State Council Consideration

ABXI is fortunate to have a bilingual staff person who can directly assist the monolingual Spanish-speaking community; however, we are rarely able to assist the next largest non-English-speaking population in Orange County - monolingual Vietnamese consumers and families. Language Line can be helpful for some brief service/technical assistance matters, but there is little to no pro bono advocacy assistance available in the County for monolingual-Vietnamese consumers and families with more complex regional center and special education matters.



Reporting Period: 07-01-2013 to 08-31-2013 Date: 09-01-2013

Highlights

(July 2013) Supported Canyon Springs Self-Advocacy Group. Self-Advocates = 8, Professionals= 2 *SP-1b

(July 2013) Collaborated with Get Safe USA on Cycle 35 Grant from SCDD for Home Ownership Training "Rent/Buy/Live in your community" – Riverside County: Self-Advocates =1, Family Advocates = 2, Professionals = 6. *SP-12a, 1c

(July 2013) Provided training to SLS workers on Clients Rights, IPP, Navigating the system and increasing self-advocacy. Professionals = 24. *SP-2b

(July and August 2013) Met with Kern Regional Center Board of Directors regarding pending needs assessment for both Inyo and Mono counties for dental services. Kern Regional Center would like to collaborate on project.

(August 2013) Training/presentation to increase awareness of people with developmental disabilities to Mono County Board of Supervisors. Professionals = 15

(August 2013) Training/presentation to increase awareness of people with developmental disabilities who are also served by Department of Behavioral Health. Presenters: Inland Regional Center and Riverside County of Behavioral Health. Self-Advocates=7, Family Advocates=7, Professionals = 8.

(August 2013) Supported Canyon Springs Self-Advocacy Group. Self-Advocates = 8, Professionals= 1 *SP-1b

(August 2013) Met with Mammoth Unified School District Superintendent to voice concerns regarding Transition-age program.

(August 2013) Met with Mono County Director of Social Services regarding pending needs assessment for both Inyo and Mono counties for dental services. Department would like to collaborate on project.

(August 2013) Collaborated with Get Safe USA to develop new Self-Advocacy group in Mono County. Self-Advocate=1, Family Advocate=1, Professional=2

Advocacy Referrals via telephone: Education (4), Employment (6), Regional Center/Eligibility (5), Housing (3), Legal (3), 211 Referrals (9), Mental Health (3)
Advocacy Referrals via email. Education (8), Employment (1), Regional Center/Eligibility (1)
Advocacy Information email dissemination: Education (4), Employment (6), Regional Center/Eligibility (5), Mental Health (3)
Direct Telephone Advocacy• 14 cases
Direct Face-to-Face Advocacy: IEP (3), RC Appeal (1), Authorized Representative (3), IPP (4)

Provided Clients Rights Advocacy at Canyon Springs Community Facility: 56 self-advocates
Provided Volunteer Advocacy Services at Canyon Springs Community Facility: 30 self-advocates

State Plan Activities Implemented During this Reporting Period

Ongoing Monthly Collaboration with Inland Empire Disability Collaborative representing all of Riverside and San Bernardino county area agencies who serve people with disabilities. Self-Advocates = 20, Professionals = 60. *SP-2c, 10a and 10b

Ongoing Monthly Collaboration with Riverside County "CA.R.E." Team; Curtailing Abuse Related to the Elderly & Dependent Adults. Professionals = 40. *SP- 4a & 2c

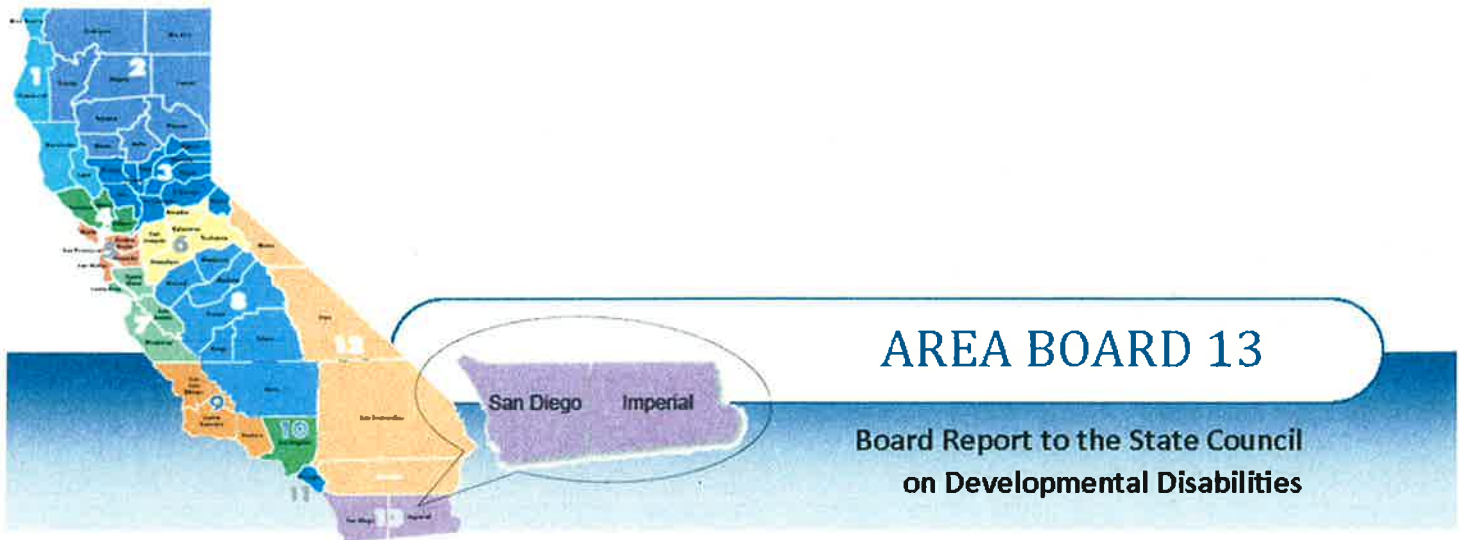
Ongoing Monthly Collaboration with San Bernardino County District Attorney's MDT on Elder and Dependent Adult Abuse team. Professionals = 30. *SP – 2c & 4a

Ongoing Quarterly meeting with IHSS Advisory Committee. Self-Advocates = 3, Professionals = 16 .
*SP- 4a & 2c

Ongoing Quarterly Collaboration of Inland Empire Department of Rehabilitation staff, job developers, ROP, & Transition school teachers. Professionals = 70. *SP- 9a & 2c

Issues or Concerns for State Council Consideration

Area Board 12 has requested IRC to review its policy on SLS services prior to conducting a public hearing.



Reporting Period: July/August

Date: September 3, 2013

Highlights

Assisted three self advocates in creating and presenting a leadership symposium on the topic of “Advocating with Your Elected Officials” 19 individuals attended the training. All attendees were provided with the Advocating with Your Elected Official materials created by Area Board 9.

After extensive planning and preparation, Project College hosted 13 students during a weeklong college experience on the campus of the University of San Diego. This was an outstanding week, and I will send along the link that takes you to an article done in the USD newsletter.

A staff member completed the 28 week COPAA Special Education Advocacy Training program, and is currently working with a local attorney as a mentor to complete the program.

State Plan Activities Implemented During this Reporting Period

Goal #1:

Provide monthly facilitation at the SDPF officer meeting, SDPF and IVPF business meetings.

Began meeting with a core group of self advocates to formulate the structure and direction of the planning for the 2014 SDPF Self Advocacy conference.

Staff provided technical support and facilitation during two planning meetings with three self advocates who coordinated and hosted a Leadership Training on “Advocating with your Elected Official”.

Staff collaborated with the San Diego Regional Center Wellness Committee and SDPF to plan the 2nd annual Health and Wellness Leadership Symposium that will be held on September 30th.

Staff met with an individual and a support person to discuss ways to get more involved with personal empowerment and self-advocacy.

Continue to meet with the Interim Chairperson of the Statewide Self Advocacy Network to assist with developing materials for the upcoming SSAN meeting.

Goal #2:

Staff participates on the Fiesta Educativa conference planning committee and is responsible for coordinating the health and resource fair. To incorporate the theme of "Opening Doors through Technology" the resource fair will emphasize technology.

Attended 2 IEP meetings both relating to students transitioning from elementary school to middle school.

Attended 6 IPP meetings.

Attended one informal meeting regarding regional center eligibility, but responded to 6 calls regarding regional center eligibility, and also took 9 calls regarding various community supports, 1 IFSP call, 3 medical calls, 1 call regarding the autism insurance guidelines, 1 self-advocacy and 1 SSI issue.

Goal #3:

Completed the National Core Indicator surveys for San Diego/Imperial/Orange Counties.

Goal #6:

Staff is working with the San Diego Unified School District TRACE program to look at ways to strengthen their self advocacy/governance group through a peer mentor program with support from UCP and Area Board XIII. While the discussions and planning are still underway, it has been determined that two self advocates who will serve as peer mentors and will be compensated for their time while working with transition aged youth within the TRACE program.

Met with a student from the transition certification program at SDSU and discussed the services Area Board XIII offers and provided additional community resources to share with his classmates.

The ABXIII Transition Committee has planned a "Let's Talk Transition" Training for September 21st to be conducted on the base of Camp Pendleton. We also had a speaker present on a new training program offered through the San Diego Futures Foundation that offers a free training for youth between the ages of 17-22 that have an interest in technology, have a documented disability or are low-income, have the legal right to work in the US, and are out of school. This program offers training to become an IT Technician, Media Arts or Digital Literacy, and they provide internships as well as job placement.

Goal #9:

Met with the Executive Director of the San Diego Workforce Partnership to discuss opportunities for individuals with intellectual disabilities to participate in some of the activities and trainings the Workforce Partnership sponsors, and shared local concerns regarding this often forgotten group of people regarding employment.

Goal #14:

Met with Senator Marty Block and his staff to provide information regarding the impending Self Determination Bill, Employment First, and also discuss the situation with Supported Living services in the local area. Met with a Staff member from the office of Assemblywoman Shirley Weber to provide an overview of the DD System, Area Board, and the current local issues.

Issues or Concerns for State Council Consideration

1. San Diego Regional Center does not appear to be following the procedure as set forth in the Lanterman Act regarding the Intake procedure. SDRC has called and left voice mails to prospective clients that they have 400 people calling a month and it doesn't look as if they will qualify. They don't always meet with the individuals applying, and frequently only look at collateral information provided. The calls are not returned in a timely manner as well.
2. Day programs continue to be a source of frustration for individuals and their families due to the lack of high quality programs and activities, untrained staff, and decreased amount of jobs that can be done by a group of 3 is limited in this strained economical time.
3. Rates paid to Supported Living vendors are so low; it is extremely difficult for people requesting supported living services to obtain them. The process dictates that a Health and Safety Waiver request be submitted to DDS when the rate is over the accepted parameters, but the turnaround time from DDS is very long.
4. The presiding OAH Judge in our area has refused to schedule any Fair Hearings when an adult client has not been granted an Authorized Representative from the Area Board. The SDRC has written and sent a very good letter to this judge explaining that this is not always necessary, but the judge continues to refuse requests.